EXHIBIT NO. 1

8

3-12-05

City of Alexandria, Virginia

MEMORANDUM

DATE: MARCH 7, 2005

TO: THE HONORABLE MAYOR AND MEMBERS OF CITY COUNCIL

THROUGH: JAMES K. HARTMANN, CITY MANAGER

FROM: EILEEN P. FOGARTY, DIRECTOR, PLANNING AND ZONING

SUBJECT: DSP #2004-0018 – BEAUREGARD / ARMISTEAD TOWNS

I. Appeal:

On January 6, 2005, the Planning Commission approved a site plan (DSP# 2004-0018) application to construct a townhouse condominium project at the corner of Beauregard and Armistead Streets (*see the attached staff report*). As part of the approval of the application, the Planning Commission required that the applicant reduce the number of units from 41 to 38 to:

- minimally to comply with the zoning density requirement for townhouse condominiums in the RA Zone; and
- comply with the open and usable space requirement of the zone, and provide an adequate buffer along the Beauregard Street frontage.

The applicant is appealing the decision of the Planning Commission to reduce the project to 38 units.

II. Background:

The site has a considerable change in topography, with the with the top of the site being approximately 60 ft. above the grade at the intersection of Beauregard and Armistead Streets. The site is entirely wooded with trees up to 24" caliper. To construct the proposal, the applicant is proposing grading approximately 85% of the site, constructing retaining walls and eliminating approximately 75% of the trees on the site.

Photo from Interior of Site

The proposed layout grading , loss of trees, "front-loaded" townhouses, limited buffer on Beauregard Street are all site characteristics which are typically not supported by the City. In fact, the City in the months preceding the Planning Commission hearing attempted to work with the applicant to address these issues prior to the Planning Commission hearing. These issues would usually be resolved with the applicant through the conceptual review process; however, in this case the applicant has not been willing to make any

substantive changes to address issues such as open space or tree buffers that would result in the loss of any units.

Staff recommended approval of the site plan subject to an extensive number of conditions, including a reduction from the 42 units applied for to 38 units. The intent of the reduction in units and some other proposed site layout changes was to increase:

- the minimum buffer along Beauregard Street from 36 ft. to 55 ft. consistent with the character of the neighborhood; and
- useable open space on the site to meet minimum requirements.

The applicant, however, did not agree with the reduction in dwelling units.

December 7, 2004 Planning Commission hearing:

Because of the numerous outstanding issues between staff and the applicant, the Commission deferred the proposal to enable staff and the applicant to attempt to address the concerns that had been raised in the staff report such as buffers and tree retention.

Following the Planning Commission hearing, staff and the applicant met to discuss the issues of buffers, trees and setbacks. At the meeting, the staff and the applicant agreed to the following:

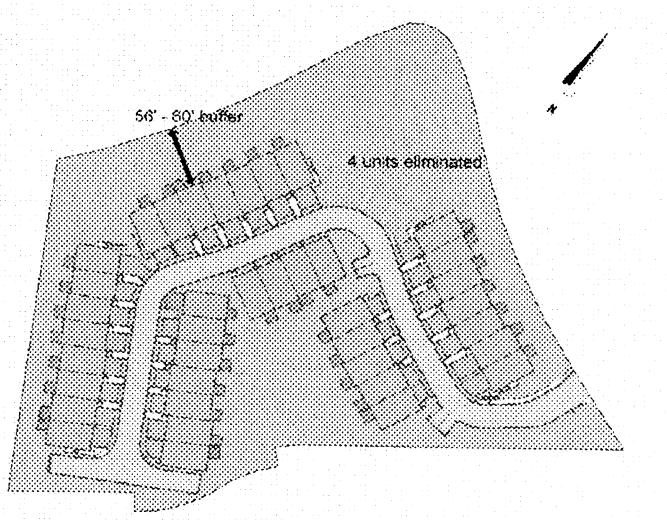
- eliminate one unit, resulting in 41 units;
- Increase the buffer on Beauregard which also enables additional trees to be retained;
- additional landscaping;
- enhanced building design for the units adjacent to Beauregard and Armistead Streets;
- increase the amount of open space.

Staff found that with the changes the application minimally met the requirements for open and usable space, an adequate buffer, building setbacks and building design even though the plan still resulted in extensive grading and tree loss.

January 6, 2005 Planning Commission hearing:

The project was considered by the Planning Commission at their meeting of January 6, 2005. The Planning Commissioners had extensive discussion about the proposal, the focus of which was whether or not the project met the requirements of the zoning ordinance and "townhouse-style" condominiums. The Commission's concern was that for all practical purpose the proposed units with vertical party walls were townhouses, however the applicant located the units on one lot to circumvent the requirements for fee-simple townhouses. The applicant admitted before the Commission that these units would, in fact, be marketed and sold as townhouses. While the proposal complies with the standards for multifamily dwellings, the Commission found that the proposal does not comply with all of the townhouse lot and setback standards. At the hearing, staff estimated that compliance with all of the townhouse standards would result in a project of approximately 34 units, i.e., a loss of about eight units from the initial, 42 unit application.

The Commissioners initially discussed denying the proposal and requiring it to fully comply with the townhouse standards. However, because the applicant had worked with staff using the multifamily rules, the Commission finally determined to approve the project with the 38 units initially recommended by staff, not the 41 units in the revised application. The Commission based this action on the advice from the City Attorney, with which the applicant's attorney concurred, that the Commission had the discretion, based on the facts of this case, to find that the 38 unit project met the RA zone and other applicable site plan requirements. Thus, the Planning Commission approved DSP 2004-0018 with the revised set of conditions as recommended by staff, but with the additional modification that the number of units be reduced from 41 to 38. The applicant is appealing the requirement that the number of dwelling units be reduced.



Townhouse Style Condominiums, Zoning and Site Plan Compliance

The first issue in the Planning Commission's determination was the proper characterization of the type of dwelling units proposed. The current Zoning Ordinance recognizes four types of dwelling units as follows.

> *2- 137 Dwelling, multifamily.* A building or portion thereof containing three or more dwelling units, located on a single lot or parcel of ground.
>
> *2-138 Dwelling, townhouse.* One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement to roof or roofs.
>
> *2-139 Dwelling, single-family.* A detached building, constituting one dwelling unit, designed for or intended to be occupied by one family. Only one single-family dwelling is permitted on any recorded lot.
>
> *2-140 Dwelling, two-family.* A building designed for or intended to be occupied by not more than two families living independently of each other. This use shall include both duplex (one dwelling unit above another in a single detached building) and semi-detached (two dwelling units having a common vertical party wall) dwellings. In the case of a semi-detached dwelling, no less than 50 percent of the common party wall of one of the two dwelling units shall be opposite the common party wall of the other.

Under the RA Zone, townhouse units require 1,980 square feet of land per dwelling unit, or a gross density of 22 units per acre, with a site plan, or 1,600 square feet of land per dwelling unit, or a gross density of 27 units per acre with a special use permit. In contrast, multifamily units are permitted with a site plan at 1,600 square feet of land per unit, or 27 units per acre.

Initially the applicant asked the Planning staff whether the applicant could construct townhouses on a single lot (rather than each townhouse having a separate lot). Planning staff reviewed the definition of multifamily and townhouse dwellings, and determined that there have been approximately 20 cases where "townhouse-style condominiums" have been constructed within the City, using the multifamily density rules. Based upon this practice, the planning staff permitted the applicant to proceed, using the multifamily rules.

In order to approve a site plan, the Planning Commission must find, among other things, that "the application complies with all provisions of this [zoning] ordinance and all applicable laws." Section 11-409(B)(3). Thus, at the hearing on January 6th, the Commission questioned whether the use of multifamily rules for this townhouse condominium project was appropriate, given that the additional density resulted in a less desirable site plan, additional tree loss, less buffers and additional grading. At the hearing the City Attorney responded (1) that state law, as well as City Code Section 7-4-1, prohibit a different zoning treatment because a project is a condominium versus fee simple ownership, (2) that unlike the rule for single-family dwellings, the Zoning Ordinance permits more than one two-family or townhouse dwelling on a single lot, and (3) that Section 1-400(B)(1) of the Zoning Ordinance requires that the most narrowly defined definition of use be applied to this project, and that the townhouse definition was narrower than the multifamily definition. Accordingly, the City Attorney concluded that this project must comply with the townhouse rules in the RA Zone, and the Commission agreed with this conclusion.

In order to approve a site plan, the Planning Commission must also find under Section 11-409(B)(1) that the project has "at least the required amount of open space in a configuration that makes that open space usable, functional and appropriate to the development proposed," Section 11-410(G); that buffers are adequate to "ensure that the massing, location and orientation of buildings . . . are compatible with and adversely affect the surrounding property and the character of the neighborhood," Section 11-410(C), and that the project does not unreasonably "destroy, damage detrimentally modify or interfere with the enjoyment and function of any significant natural, topographic, scenic or physical features of the site." Section 11-410(W).

Based upon the project's admitted failure to comply with the RA Zone townhouse rules, as well as based on the negative site impacts and undesirable site characteristics such as the unusable open space, loss of trees, excessive grading, and inadequate buffers, the Commission was unable to conclude that the revised, 41 unit site plan recommended by staff met the criteria for site plan approval under Section 11-409, and initially discussed denying the proposal in its entirety.

After subsequent discussion, and having been reassured by the City Attorney, with the agreement of the applicant's attorney, that the Commission had the discretion, based on the facts of this case, to approve a 38 unit project as meeting the RA zone and other applicable site plan requirements, the Commission voted unanimously to approve a 38 unit project. The Commission felt that a 38 unit

project, as initially recommended by Planning staff, was the greatest number of units that could be accommodated on this particular site, in reasonable compliance with the RA Zone townhouse rules, as well as the other applicable requirements of Section 11-410 of the Zoning Ordinance for approval of a site plan.

III. Options for City Council:

The Council can affirm, reverse or modify the decision of the Commission, or vacate the decision and return the matter back to the Planning Commission for further consideration.

Docket Item #5
DEVELOPMENT SITE PLAN #2004-0018
Beauregard / Armistead Towns

Planning Commission Meeting
January 6, 2005

ISSUE: Consideration of a request for a development site plan, for construction of a 42-unit "townhouse-style" condominium development.

APPLICANT: Stanley Martin Companies, Inc.
by M. Catharine Puskar, Attorney

LOCATION: 520 North Armistead Street

ZONE: RA\Multifamily Residential

PLANNING COMMISSION ACTION, JANUARY 6, 2005: On a motion by Ms. Fossum, seconded by Mr. Jennings, the Planning Commission voted to approve the request, subject to compliance with all applicable codes, ordinances and staff recommendations, with amendments to Condition #1 to eliminate Units #31-34 and to add one additional unit adjacent to Unit #14, and to Condition #3 to reduce the total required number of spaces to 94, the number of garage spaces to 76, and the number of driveway spaces to 12. The motion carried on a vote of 6 to 1, with Mr. Leibach voting no.

Reason: The Planning Commission found that with the removal of four units the proposal would meet the technical requirements of the zoning ordinance.

Speakers

Catharine Puskar, attorney, representing the applicant.

Mickey Gossett, 436 N. Armistead, expressed concerns about the proposal, citing the high population density in the area and existing traffic and on-street parking problems, and asking for assurance that adjoining properties would not be adversely impacted.

Carol McBain, 438 N. Armistead, expressed concerns about the proposal and said that she wanted assurance that construction would not cause damage to neighboring properties.

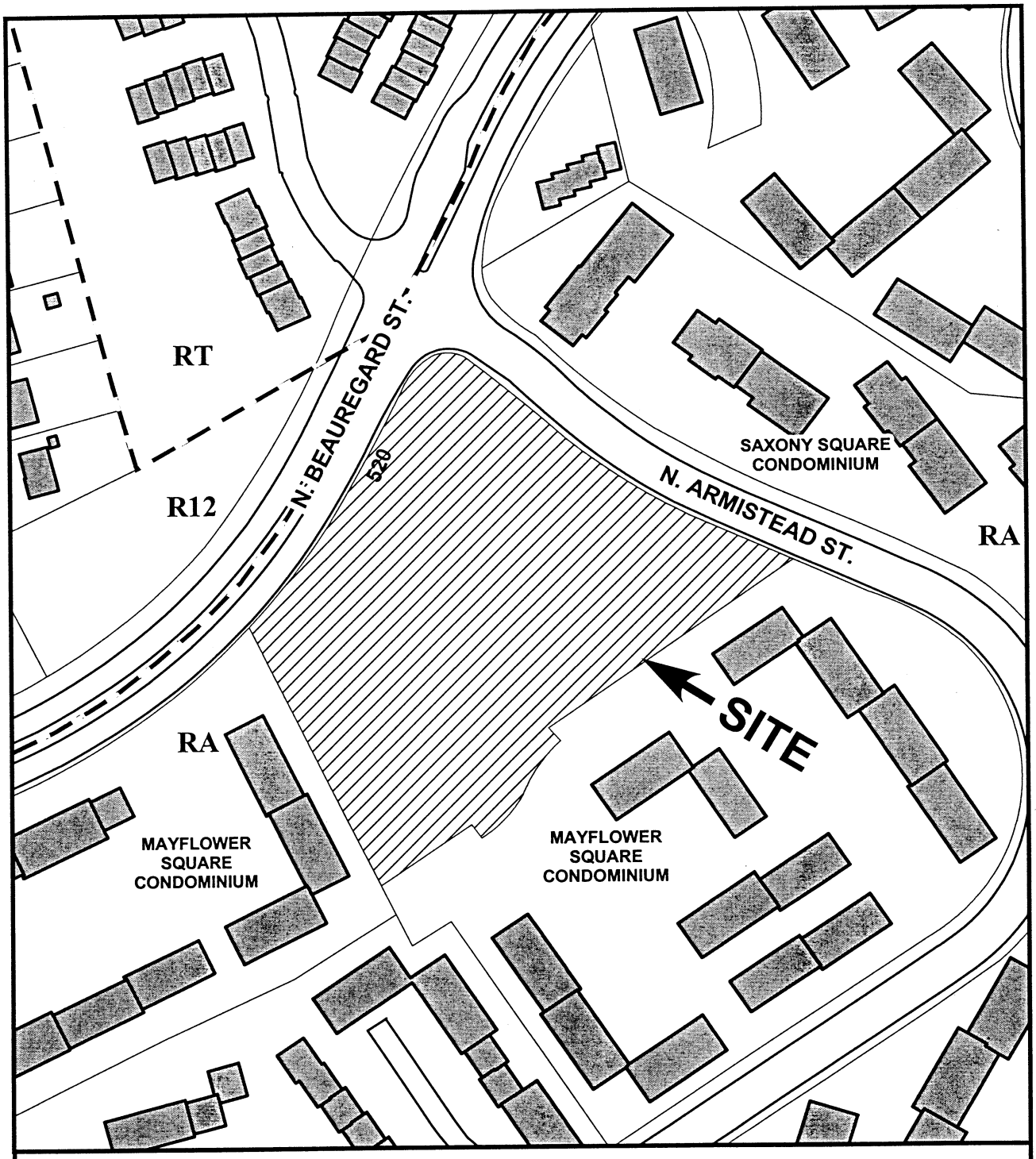
Paul Hertel, 1217 Michigan Court, spoke against the proposal and said that the development should be designed under townhouse standards rather than multi-family standards, and that the buildings were packed too closely together.

Katy Cannady, 20 East Oak Street, spoke against the proposal and said that too many trees would be lost and there would be too much reshaping of the land.

Lillian White, representing the League of Women Voters of Alexandria, spoke against the proposal and said that the open space proposed on the site is unusable remnants and that the proposal is inconsistent with the Open Space Plan.

PLANNING COMMISSION ACTION, DECEMBER 7, 2004: By unanimous consent, the Planning Commission deferred the request.

Reason: The applicant requested the deferral.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N. ARMISTEAD ST.
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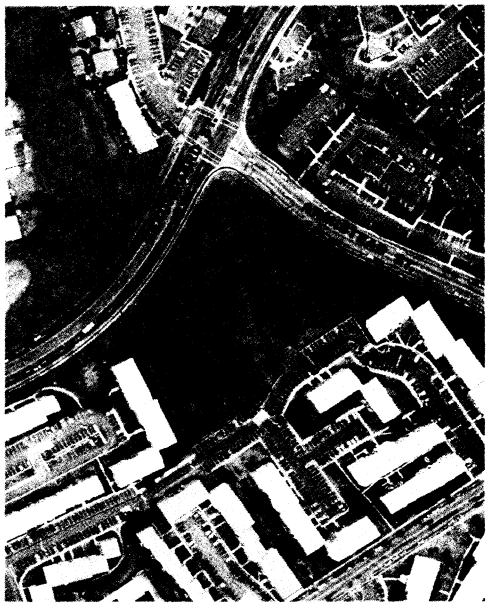
I. EXECUTIVE SUMMARY

A. Overview:



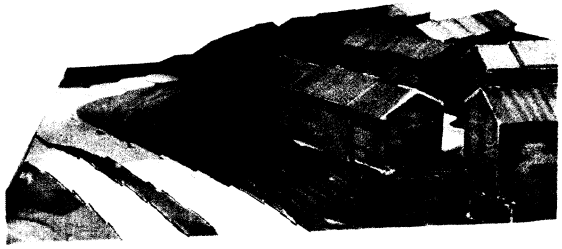
Aerial Photo

The applicant is requesting approval to construct 42 "townhouse-style" condominiums on an approximately four acre site located at the corner on Beauregard and Armistead Streets. The vacant site is entirely wooded with trees up to 24" caliper. The site also has steep topography, with the top of the site being approximately 60 ft. above the grade at the intersection of Beauregard and Armistead Streets. In order to construct the proposed development, the applicant is proposing dramatic changes to the site including:

- Grading approximately 85% of the site;
- Lowering the top of the site by approximately 20 ft. through extensive grading;
- Constructing three large retaining walls with heights up to 17.5 ft. and lengths up to 525 ft.;
- Removing approximately 75% of the large trees; and
- Removing nearly all of the tree buffer adjacent to Beauregard and Armistead Streets.

Photo from Interior of Site

Due to the topography, a considerable amount of grading will be necessary to develop the site. However, while there are ways to locate the units and grade the site that are more compatible with the existing grading, adjoining homes, trees and wooded buffer on Beauregard Street, the applicant has chosen an approach that maximizes the adverse impacts on the surrounding neighborhood. The applicant is proposing:



Model of Applicant's Proposal

- Multi-family, "townhouse-style" condominiums that have the footprint of individual townhouses, but each unit does not have to meet the lot size and setback requirements on a unit-by-unit basis. Genuine townhouses with individual lots for each unit would result in approximately 7 - 9 fewer units than currently proposed;
- To fit all of these footprints on the site, the applicant is proposing all front-loaded units, which have been strongly discouraged by staff and the Commission; and
- Open space that is internal, not visually accessible internally or externally and remnant space that could not otherwise be developed.

The loss of tree canopy, unwarranted grading, minimal buffers, large retaining walls, and front-loaded units are elements that staff and the Commission have strongly discouraged. Typically, the applicant works with the City and community in a collaborative way to address these issues. The development process is based upon a collaborative process between the applicant and the City to resolve issues, this has not occurred in this case. The applicant has made some minor revisions but contends that the proposal is a "by-right" site plan and that the concerns raised regarding open space, buffers, etc. cannot be addressed by the City as part of the approval of the site plan. The applicant has therefore been unwilling to make any substantive revisions to the plans. The City disagrees with this assertion by the applicant and relies on the provisions of Section 11-410 of the Zoning Ordinance, which include the following requirements for site plan approval:

- "Adequate provision shall be made to ensure that the massing, location and orientation of buildings and uses, and the engineering design and location of roadways, parking, pedestrian amenities, open space and other site features are adequately related to each other and are compatible with and do not adversely affect the surrounding property and the character of the neighborhood."
- "Adequate provision shall be made to ensure the compatibility of the proposed development, including mass, scale, site layout and site design with the character of the surrounding property and the neighborhood."
- "Adequate provision shall be made for at least the required amount of open space in a configuration that makes that open space usable, functional, and appropriate to the development proposed."
- "Adequate provision shall be made to ensure that development as shown by the site plan will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural, topographic, scenic or physical features of the site."

This proposal does not comply with the minimum 800 sq. ft. per unit (approximately 20% of the site area) open space requirement within the RA zone. The open space that is provided is not configured in a manner that makes the open space usable, functional, or appropriate to the development as required by the Zoning Ordinance. Accordingly, the current application does not meet the minimum requirements for approval, and must be denied as a matter of law. In order to cure this deficiency, staff has required the elimination of four units and the shift of the internal roadway to increase the amount of open space by approximately 6,000 sq.ft. The additional open space enabled by the elimination of units is the minimum necessary for the plan to comply with the Zoning Ordinance.

In addition, the plan has other fundamental site layout and design flaws that do not comply with the site plan requirements of the Zoning Ordinance including but not limited to: minimizing adverse impacts of the proposed development on the surrounding neighborhood, grading, buffers, pedestrian circulation and tree retention. Therefore, to enable the plan to minimally comply with the provision of the Zoning Ordinance, staff recommends approval with considerable changes as generally depicted in *Attachment 1.* to:

- Increase the minimum setback along Beauregard from 36 ft. to 55 ft.;
- Increase the tree protection area along Beauregard;
- Require a significant amount of additional new trees within the buffer area along Beauregard;
- Provide a 21,000 sq. ft. open space area that would be visually and physically accessible internally and from Beauregard; and

- Require that the units on Beauregard be oriented towards Beauregard.

B. Tree Retention - Buffer:

Beauregard Street is listed in the Alexandria Open Space Plan Goal 11, "Enhance Streetscapes and Gateways" both as a streetscape to be protected and as a streetscape to be enhanced. Goal 12, "Expand Citywide Street Tree Program and Protect Existing Trees and Woodland Areas" also lists Beauregard Street as a tree-lined boulevard to be protected. The proposed development will eliminate most of the on-site trees that are visible from Beauregard, will create a series of extensive and tall retaining walls visible from Beauregard, will establish buildings which rise to more than 60 ft. above the roadway and are less than 40 ft. from the roadway, and will adversely impact the Beauregard streetscape, all of which is inconsistent with the goals of the Open Space Plan as well as the requirements for site plan approval.

Beauregard Street's gentle curves, hilly terrain, landscaped boulevard, and vegetated buffer create the character of a wooded boulevard. It has been the practice of the City, as well as a requirement of the Zoning Ordinance through the site plan process, to require considerable buffers for development adjacent to Beauregard. For example, the buffer required for the adjoining Ashton Manor site plan ranged from 60 ft. to 80 ft. from the Beauregard roadway, with an undisturbed area of 40 ft. to 80 ft. from the Beauregard roadway. The development as proposed threatens to degrade the character of this important tree-lined boulevard by proposing only a 36 ft. buffer on Beauregard, which will be exacerbated by the extent of site disturbance that is proposed, as very few mature trees will remain to screen the development.

Due to the topography of the site, the base of the buildings will be approximately 20 to 25 ft. above the roadway for Beauregard, and with building heights of up to 45 feet, the tops of the townhouses will be 60 ft. to 70 ft. above Beauregard. Most of the setbacks within the Zoning Ordinance are a setback ratio, which requires greater setbacks for taller buildings. This approach is also reflected in the recently completed Ashton Manor development, where the buildings have a setback ratio from Beauregard of greater than 2 to 1 and where the buildings are set 72 ft. to 88 ft. from the Beauregard roadway. Staff is recommending the elimination of four units to provide a setback that is more consistent with recent developments. This will increase the size of the buffer, particularly at the intersection of Beauregard and Armistead Streets, and will increase the number of trees that can be retained.

C. Open Space:

The applicant contends that 47% of the site will be retained as open space, but most of the proposed open space is steeply sloped and the only consolidated open area is located at the rear of buildings. The proposed open space is comprised primarily of remnant areas that could not otherwise be developed, rather than useable, consolidated open space.

Eliminating units and shifting units farther away from Beauregard will provide an area of consolidated open space in addition to the open space in the backs of units that is proposed by the applicant. This will enable the open space to be configured in a way that makes the open space usable, functional, and appropriate to the development proposed. It will also increase the total amount of open space, create a sense of "openness" for the residents, and enable additional tree retention and a larger buffer on Beauregard. The Zoning Ordinance states that the 800 sq. ft. of open space that is required per unit within the RA zone be provided in " a configuration that makes that open space usable, functional, and appropriate to the development proposed." The proposal must comply with the minimum requirements of the Zoning Ordinance.

D. Conclusion:

The proposal raises numerous fundamental concerns and does not meet the minimum requirements of the Zoning Ordinance. These issues would usually be resolved with the applicant through the conceptual review process; however, in this case the applicant has not been willing to make any substantive changes to address issues such as open space or tree buffers that would result in the loss of any units. Section 11-410 of the Zoning Ordinance provides findings that the Commission must determine are met as part of the approval of each site plan. The current proposal does not meet the minimum requirements of the Zoning Ordinance. Therefore, staff has required the elimination of four units to provide useable open space and more appropriate buffers, and creates a development that can be determined to be more compatible with the existing character of Beauregard and the surrounding neighborhood. With these considerable revisions to the plan, staff recommends approval.

II. BACKGROUND

A. Site Description:

The property is located at the southwest corner of Beauregard and Armistead Streets in western Alexandria. The 3.79 acre wooded site is undeveloped and has significant topography, with steep slopes on the east, north, and west sides of the property with the top of the site being approximately 60 ft, higher than the intersection of Beauregard and Armistead Streets.

The surrounding area is developed with a mix of single-family homes, townhouses, garden-style apartments and condominiums. The other properties on the subject block, as well as all of the other properties on Armistead, south of Beauregard, are developed with garden-style apartments and condominiums. Beauregard is a boulevard with a landscaped median, and properties along Beauregard generally retain a wooded buffer.

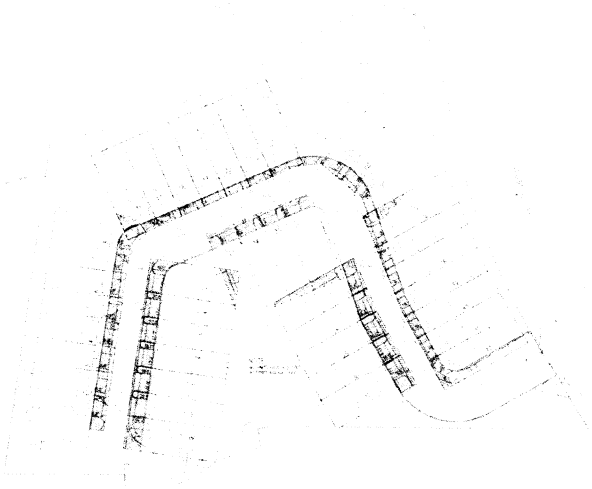
B. Proposal:

The applicant is proposing a 42-unit, multi-family "townhouse-style" condominium development. Access to the development is provided by a curb cut on Armistead Street. The internal private road will enter at the northeast corner of the site and continue in a horseshoe pattern around the site. The homes will be located on both sides of the private street. Each of the homes will be three stories and will have a 2-car, front-loaded garage. The gross square footage of the units, including the garage, ranges from approximately 3,000 to 3,400 sq. ft. on three floors. The proposed height of the units is approximately 45 ft. The two required parking spaces per unit will be provided within the footprint of the unit and will be accessed by front-loaded garages. A total of 93 parking spaces will be provided, with an additional 84 spaces located within the driveways of the townhouses.

The applicant is proposing substantial grading, tree removal and retaining walls to construct the proposed development. The applicant is proposing to remove the top of the hill and to construct multiple retaining walls, including a wall along the south property line that has a maximum height of 17.5 ft. and a wall along the west property line that has a maximum height of 10.5 ft. The total length of retaining walls on the site will be approximately 900 ft., or the length of three city blocks. Despite these retaining walls, most of the open space on the site will be graded with an approximately 30 % slope. The combination of the existing topography and the development type that has been selected for the site will result in a site that is dominated by retaining walls and steep, non-functional remnants of space.

The applicant is proposing multi-family "townhouse-style" condominiums. The key differences between this development and a traditional townhouse development is that each footprint proposed by the applicant does not have to comply with the minimum lot area, lot width, and setback requirements. For the RA zone, each townhouse lot must contain at least 1,980 sq. ft., each interior lot must be 18 ft. wide, and each end lot must be 26 ft. wide. A 20 foot front yard is required, as is a 25 ft. rear yard and 1:1 rear setback ratio, and an 8 ft. side yard and a 1:3 side yard ratio for end units. Additionally, the lots would be required to have frontage on a public street, which would need a right-of-way width of 50 to 66 ft.

The proposed approach of having townhouse footprints in a multi-family structure on a single lot enables the applicant to provide approximately 7 - 9 additional footprints on the site. While the proposed development is not required to meet the townhouse lot standards, the graphic illustrates the confined design of this proposal as compared to a genuine townhouse development.



Applicant's Proposal w/ Townhouse Lot Lines.
Shaded areas depict overlapping lot lines &/or ROW.

III. ZONING:

The applicant is requesting approval for a development site plan for multi-family condominiums in the RA zone. The subject property is designated as Residential Medium in the Alexandria West Small Area Plan and is zoned RA Multifamily.

BEAUREGARD ARMISTEAD TOWNS		
Property Address:	520 North Armistead Street	
Total Site Area:	165,027 sf (3.79 acres)	
Zone:	RA, Residential	
Current Use:	Vacant	
Proposed Use:	Multi-family Residences (Townhome Condominiums)	
	Permitted/Required	Proposed
Floor Area	123,770 sq ft	123,770 sq ft
FAR	.75	.75
Yards	Front: 20 feet Side: 8 feet or 1/3 building ht Rear: n/a	Front (Beauregard): 38.72 ft Front(Armistead): 32.79 ft Side(South): 26.97 ft Side(East): 19.18 ft
Height	45 feet	45 feet
Parking	93 spaces	93 spaces

IV. STAFF ANALYSIS:

A. Initial Zoning Determination:

The Director of Planning and Zoning has determined that this proposal does not meet the minimum 800 sq. ft. per unit open and usable space requirement of the RA zone, as required by Section 3-606(B). Zoning Ordinance Section 2-180 defines open and usable space as space which meets certain physical characteristics and "function[s] for the use and enjoyment of residents, visitors and other persons." In addition, Section 11-410(G) of the Zoning Ordinance requires that each site plan must include "Adequate provision . . . . for at least the required amount of open space in a configuration that makes that open space usable, functional, and appropriate to the development proposed." As explained in detail below, 85% of the purported open space in this plan is neither usable nor functional. Staff cannot recall a recent application which so patently fails to meet the minimum open and usable space requirement of the applicable zone.

Under these circumstances, the Director, as authorized by Zoning Ordinance Sections 11-102(C) and (F), and 11-201, has determined that the current application fails to meet the basic RA zone requirement. Thus, this site plan application cannot be approved as a matter of law. See Zoning Ordinance Section 11-409(B)(3). The applicant has the right to appeal this determination to the Alexandria Board of Zoning Appeals, and this determination will be final and unappealable if no appeal is filed within 30 days of December 1, 2004.

In order, however, to allow this application to proceed, staff is requiring that four units be eliminated, and that the internal roadway be shifted, to increase the amount of open space by approximately 6,000 sq. ft. The additional open space enabled by these changes is the minimum alteration necessary for the Director to conclude that the plan complies with the RA zone requirement, and thus to allow the Planning Commission to proceed with further consideration of this site plan application.

In addition to the open and usable space deficiency, the plan has other fundamental site layout and design flaws that do not comply with the Zoning Ordinance's site plan requirements, including but not limited to tree retention, buffers, and adverse neighborhood impacts and is one of the few cases (site plan or special use permit) in the last several years where the applicant has not worked with the City to address and resolve many of the areas of concern raised. Despite numerous attempts and proposals by the City, it has been the position of the applicant that the proposal is a site plan and modifications that would result in a loss of units would not be acceptable. The current layout, with its minimal buffers, extensive tree loss, grading, extensive retaining walls, and deficiency of useable open space, is one of the few plans in the past several years where the applicant has not responded to nearly any of the substantive concerns raised by the City as part of the review process. The applicant wanted to move forward to the Planning Commission hearing with the current proposal. Therefore, the current proposal has numerous remaining fundamental site plan issues, which are usually addressed before proceeding to the Planning Commission.

The applicant contends that they have met with City staff in an attempt to address the concerns and have made revisions to the plans. The applicant has made some revisions to the plan, those changes have been limited, and fail to address the fundamental layout and design flaws of this plan. In the

past several meetings, the applicant has contended that the proposal is a site plan and that additional changes would not be considered. In fact, the applicant has also not agreed to the elements such as a pedestrian crossings, a bus shelter and the affordable housing contribution, which are other elements typically agreed upon through a collaborative review process within the City.

Topography makes this property a challenging site to develop. However, the proposal exacerbates the adverse impacts of any development, and does not comply with the minimum requirements and findings necessary to approve a site plan as required by §11-410 of the Zoning Ordinance. The proposal is also inconsistent with the Alexandria West Small Area Plan directive to locate new development in such a way as to minimize impacts on residential areas and preserve as much open space as possible and intent of the Open Space Master Plan.

To enable the plan to minimally comply with the Zoning Ordinance requirements, recommendations have been included to increase the buffer on Beauregard, provide useable and functional open space, and improve the relationship of buildings to the internal and external streets, which includes the elimination of units, shifting the internal street and relocating several of the units.

B. Compliance with the Applicable Site Plan Provisions of the Zoning Ordinance:

Section 11-410 of the Zoning Ordinance lists the requirements that must be met for a site plan to be approved by the Planning Commission. The applicant's proposal does not meet the following provisions of that section:

(B) The site plan shall be in reasonable conformity with the Master Plan of the City.

(C) Adequate provision shall be made to ensure that the massing, location and orientation of buildings and uses, and the engineering design and location of roadways, parking, pedestrian amenities, open space and other site features are adequately related to each other and are compatible with and do not adversely affect the surrounding property and the character of the neighborhood.

(F) Adequate provision shall be made to ensure the compatibility of the proposed development, including mass, scale, site layout and site design with the character of the surrounding property and the neighborhood.

(G) Adequate provision shall be made for at least the required amount of open space in a configuration that makes that open space usable, functional, and appropriate to the development proposed.

(W) Adequate provision shall be made to ensure that development as shown by the site plan will not destroy, damage, detrimentally modify or interfere with the enjoyment and function of any significant natural, topographic, scenic or physical features of the site.

The combination of the proposed building heights, grading, and setbacks will cause the proposed townhouses to tower over Beauregard Street. The limits of grading, which come within 20 ft. of Beauregard Street, will leave few existing trees to provide a buffer from those townhouses. Little of the existing grade or trees will be retained, as the applicant is proposing to grade 85% of the site. Such a limited amount of open space on the site is usable or functional, as approximately 85% of the

open space that is provided will have slopes of 33% or greater, that the Director has determined that the application fails as a matter of law to comply with the RA Zone open and usable space requirement.

C. Alexandria West Small Area Plan:

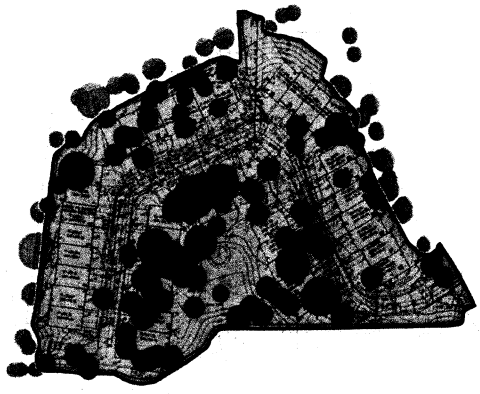
The Alexandria West Small Area Plan states, "the key issue facing the Alexandria West area is certainly the type and level of development which will occur on [vacant] land." The preservation of open space is central to the plan's recommendations, and one of the five objectives of the plan is to "ensure preservation of substantial open space." The plan also states, "new developments should be encouraged to provide as much natural open space as possible," and "new development should be located in such a way as to minimize impacts on the residential areas, preserve as much open space as possible and provide for a vital and diverse mix of uses." The proposed development will grade 85% of the site, leaving little natural open space, eliminate most of the existing trees from the site, and provide only a minimal buffer from Beauregard Street. The open space that will be preserved is limited to little more than the waste areas that could not be developed on the site. Staff believes that substantial development on this site can be achieved without contravening these Master Plan provisions, and that this application consequently fails to comply with Section 11-410(B) of the Zoning Ordinance.

D. Buffers and Tree Retention:

One of the principal qualities of Beauregard Street is its character and role as a tree-lined boulevard, a character created by the setback of buildings and the amount of landscaping between the buildings and the street. In some spots along the roadway the buffer is enhanced by an absence of buildings or substantial building setbacks.

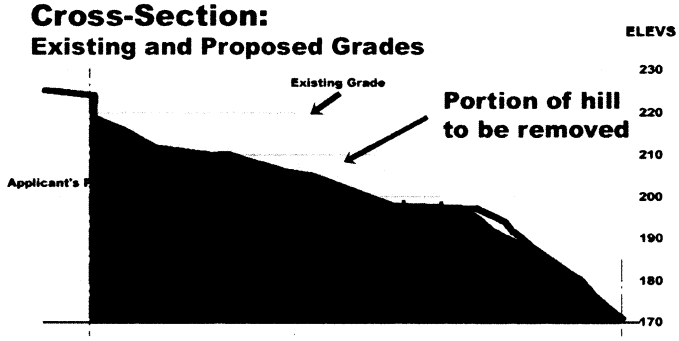
For the buildings which are located closer to the street, the feeling of a more substantial buffer is created by the existing trees and generally low scale building that are screened by the buffers on Beauregard.

The recently adopted Open Space Master Plan specifically references Beauregard as a street where the streetscape, trees and buffers should be retained and enhanced. The Plan recognizes the importance of boulevards such as Beauregard and Commonwealth Avenue as crucial open space resources for each community and as important contributors to the overall open space, connectivity and "openness" that are contributing elements to the character of the City. The proposed development will eliminate most of the on-site trees, proposes extensive retaining walls adjacent to the street and creates townhouses that will be approximately 65 feet taller than the height of the roadway. The proposal will negatively impact the character of this portion of Beauregard, which is inconsistent with the Open Space Master Plan, and does not comply with the requirements of Zoning Ordinance Sections 11-410(C), (F) and (W).



Proposed Site Disturbance

In order to attain compliance, staff is recommending eliminating four units (required in any event to comply with the RA zone's open and usable space requirement) and shifting the remaining units 19 ft. farther from Beauregard to create a minimum 55 ft. setback and buffer from Beauregard Street. The applicant contends that there are other buildings as close to Beauregard as they are proposing. However, these buildings are generally lower scale buildings and are not elevated by the topography of the site as proposed by the applicant. In addition, most of the mature vegetation that would otherwise screen that building will be lost during construction. While most of the trees that are on the site are generally not large trees (6-24" caliper trees), collectively the trees create a dense tree canopy for the site and Beauregard. The development as proposed will eliminate much of this wooded area, as it requires the grading of approximately 85% of the property and will result in the loss of at least three-quarters of the trees that have a caliper size of 6" or greater. The degree of change from pre-development to post-development conditions is unnecessary to reasonable development of the site and will be dramatic. The adverse impact of an inadequate buffer will be exacerbated by the topography of this proposed development, as the buildings will be substantially elevated above the street grade.



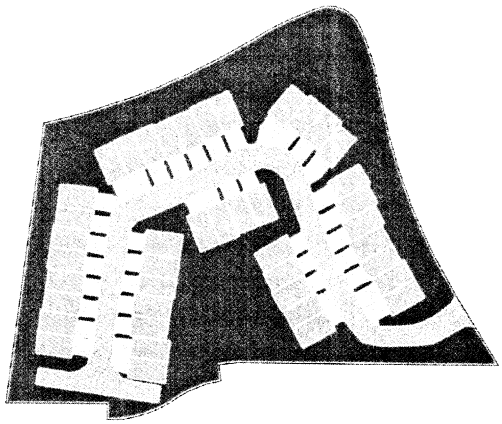
Cross Section Showing Extent of Proposed Grading

Most of the required setbacks within the Zoning Ordinance include a setback ratio, which requires greater setbacks for taller buildings. This approach is also consistent with the recently completed Ashton Manor development, where the buildings have a setback ratio of greater than 2 to 1 and where the buildings are setback 72 to 88 ft. from the Beauregard roadway. Staff is recommending

that this application provide a setback that is closer to that which has been provided by recent developments in the corridor and will be consistent with the Open Space Plan, which lists Beauregard Street as a tree-lined boulevard which is to be protected and enhanced. This increased buffer, particularly at the intersection of Beauregard and Armistead Streets, will increase the number of trees that can be retained. These changes are the minimum buffer enhancements required to comply with Zoning Ordinance Sections 11-410(C), (F) and (W).

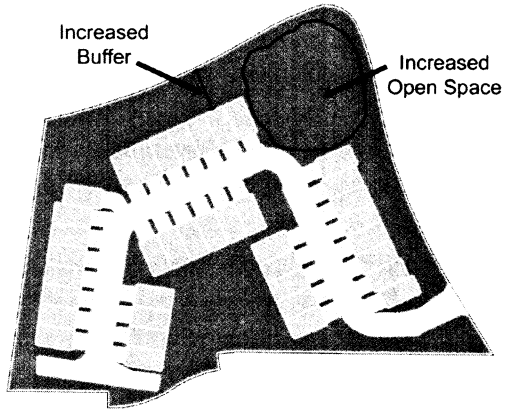
E. Open Space:

The RA zone requires a minimum of 800 sq. ft. of open and usable space per dwelling unit. The applicant contends that the proposed development provides 1829 sq. ft. of open space per unit. However, only a small portion of this purported open space could be considered to be useable. Most of the open space on the site will be steeply sloped and/or bifurcated by retaining walls.



Applicant's Proposed Plan

The Zoning Ordinance states that open and usable space must "function for the use and enjoyment of residents, visitors and other persons," and that "adequate provision shall be made for at least the required amount of open space in a configuration that makes the open space useable, functional and appropriate to the development." There will be very little area on the site that is not occupied by a building, paved, or steeply sloped. The largest open area without steep slopes contains less than 4,000 sq. ft., or less than 100 sq. ft. per unit, and the total of all open space with a slope of less than 3:1 (33% slope) is less than 9,000 sq. ft., or approximately 210 sq. ft. per dwelling unit. Locating almost 75% of the required open space on steep slopes does not comply with the Zoning Ordinance's open space provision. Additionally, the consolidated open space is located to the rears of the units and is visually cut off from the rest of the site by those buildings.



Staff's Proposed Plan

For these reasons, and as stated above, the Director has determined that this application is deficit, as a matter of law, as to open and usable space. Staff will require the elimination of four units as discussed above, not only to provide a larger buffer on Beauregard, but also to provide a useable consolidated open space in a configuration that meets the RA zone requirement. Staff also believes that this configuration will enable the Planning Commission to find that this site plan minimally meets the requirements of Section 11-410(G). These revisions are necessary to provide an adequate amount of open and usable space to the development's future residents and will also protect and prevent the loss of open space

that contributes to the character of the surrounding area by providing a 21,000 sq. ft. consolidated open area at the intersection of Beauregard and Armistead Streets.

F. Relationship of Buildings to the Internal and External Streets:

The development as proposed will create an environment that is not conducive to pedestrian mobility or safety. The applicant is proposing a sidewalk on one side of the private street, but the sidewalk crosses 25 driveways, and the longest stretch of sidewalk between driveways is less than 15 feet. Along the sidewalk's length (excluding the 100 foot stretch along the entrance drive), approximately 440 feet of the sidewalk is located in driveways. Walking in the street may be more inviting than walking on the sidewalk. Additionally, the applicant is proposing no pedestrian connections to Beauregard or Armistead, other than the sidewalk along the entrance drive. The occupant of Unit 16, located within 45 feet of Beauregard Street, would need to walk over 800 feet in order to get to Beauregard Street.

Views to the central open area or the perimeter buffer are limited, and the closest tree of over 6" caliper that will be retained and will be visible from the internal roadway will be almost 100 feet away and almost 20 feet below the proposed internal street. Every townhouse will have a front-loaded, two-car garage, resulting in a streetscape that will be dominated by garages and that will give the impression that the development was designed around cars, not people. The applicant has attempted unsuccessfully to mitigate the visual impact somewhat by providing two single-width garage doors instead of one double-width door for each unit, and by recessing each garage door by 2 feet. However, despite these efforts, about three quarters of the front of the first level of each unit will be dedicated to garage, and about three quarters of the land area in front of each townhouse building will be dedicated to driveway. Additionally, gaps between the buildings are limited – the largest building gap is 32 ft., and the cumulative total of all building gaps on both sides of the street is less than 100 ft. As a result, the streetscape of the private street will be one that is dominated by garages and pavement. The streetscape along Beauregard and Armistead Streets will also be adversely impacted by the proposal, as the applicant is also proposing to locate the "back side " of the units adjacent to both Beauregard and Armistead Street, effectively creating a development that turns its back on the street. These conditions fail to comply with Zoning Ordinance Sections 11-410(C) and (F).

With the shifting of the units farther from Beauregard and the elimination of units, the visibility of the units from public streets will be reduced. Staff is also recommending that the rears of the units will have designs and use materials that are typical of a front facade to avoid the appearance of a development that turns its back on the street. Eliminating four units would provide a break in the pattern of buildings, garages, and driveways, creating an open vista at the center of the site. Staff is also recommending a pedestrian connection to Beauregard and changes to the landscaping and paving materials to create a safer internal pedestrian environment.

G. Other Issues:

Traffic:

The proposal does propose fewer units than would be achieved with a traditional apartment house development, and therefore generates less traffic. The applicant commissioned a traffic study by PRH+A, which concluded that the proposed development will generate 47% fewer trips than would an apartment development that contained the 102 units that is the density limit for this site. (It should be noted, however, that a development proposal has never been submitted demonstrating that 102 apartments could feasibly be constructed on the site and comply with all zoning requirements. The greatest impact of the proposed development on any leg of Beauregard during peak hour traffic is an increase of 1.4%, while the greatest impact of a 102-unit apartment development is an increase of 2.6%.)

The study concluded that the proposed development will not adversely impact traffic on Beauregard or Armistead, and that improvements to signal timing can actually make the post-development levels-of-service (LOS) better than the current condition. The table below lists current and post-development LOS for the intersection of Beauregard and Armistead Street:

Beauregard & Armistead – Current and Post-Development Levels-of-Service
(Including signal timing improvements for post-development condition)

	Current Condition				Post-Development Condition			
Leg of Intersection	AM Peak LOS	AM Peak Delay	PM Peak LOS	PM Peak Delay	AM Peak LOS	AM Peak Delay	PM Peak LOS	PM Peak Delay
Beauregard: NE-bound	A	5.0	A	5.9	A	9.2	A	9.4
Beauregard: SW-bound	A	5.6	A	4.7	A	9.8	A	8.3
Armistead: NW-bound	F	314.6	D	39.3	C	26.1	C	20.5
Armistead: SE-bound	C	26.1	C	23.6	B	16.9	B	18.0

All delays are shown in seconds.

H. Community:

The City and applicant met with the various condominium associations in the area individually, including Mayflower I and II, Beauregard Heights, and Saxony Square. Additionally, the City hosted a community-wide meeting on October 28 at the William Ramsay Recreation Center. The neighbors at those meetings were generally in favor of the project, citing anticipated increased property values and the lower traffic demand of the proposal as compared to a larger apartment development. Concerns regarding the proposal included the removal of trees, the appearance of the development from adjoining properties, possible damage that construction could cause to neighboring properties.

V. STAFF RECOMMENDATION:

Staff recommends **approval** subject to compliance with all applicable codes and ordinances and the following conditions:

Site Plan:

1. The applicant shall eliminate one unit and the units adjacent to Beauregard Street shall generally be setback as depicted in the revised site plan dated December 17, 2004, with the following changes:
   a. Unit #31 shall be relocated to the internal portion of the site adjacent to unit # 14.
   b. Units # 32, 33, and 34 shall be eliminated.
   c. Additional visitor parking shall be provided adjacent to Unit 25. (P&Z) (PC)

2. The applicant shall provide a continuous 5 foot wide sidewalk on the southern portion of the internal drive aisle. Stamped asphalt crosswalks shall be provided at the intersection of the internal drive aisle and North Armistead Street to the satisfaction of the Director of P&Z. Where sidewalks are proposed in front of units the sidewalk materials, color or texture shall be distinguishable from the driveway through the use of materials, color and/or texture. The sidewalks shall be flush with driveway and at each landscape strip for each unit to provide a continual uninterrupted sidewalk. (P&Z)(PC)

3. The townhouse garages shall contain a minimum unobstructed dimension of 9 feet by 18.5 feet for each of the two standard size spaces. The applicant shall provide a total of 94 parking spaces, including 76 garage spaces, 6 surface spaces and 12 driveway spaces, to serve residents and visitors. The Applicant shall install signage reserving the 6 surface spaces for visitors. (P&Z) (PC)

4. The setback between the private street and the garage doors shall be greater than or equal to 2' and less than or equal to5' (for instances in which driveway parking is not provided) or greater than or equal to 18' (for instances in which driveway parking is provided). The minimum 18' setback shall be in addition to the 5' sidewalk, where applicable. (T&ES) (PC)

5. Rear fences for units adjacent to Beauregard and Armistead Streets shall be limited to privacy fences extending perpendicular to the units, extending a maximum of 8 feet from the units, and not located within any required building setback or yard. No other site fencing is permitted, with the exception of protective fencing atop retaining walls. Fences shall be prohibited within the tree protection area. A detail of all fences shall be provided on the final site plan. (P&Z)

6. Freestanding subdivision or development sign(s) shall be prohibited. (P&Z)

7. The applicant shall attempt to secure mail delivery to individual homes from the USPS. If such delivery cannot be secured, decorative ganged mailbox(es) shall be permitted within the development in a location to the satisfaction of the Director of P&Z. (P&Z)

8. All retaining walls shall be constructed with unit masonry, the design and color of which shall be to the satisfaction of the Director of P&Z. Any protective fencing or railing atop retaining walls shall be visually unobtrusive and of a decorative metal material, to the satisfaction of the Director of P&Z. (P&Z) (PC)

9. The applicant shall provide off-street parking for all construction workers without charge. For the construction workers who use DASH, or another form of mass transit to the site, the applicant shall subsidize a minimum of 50% of the fees for mass transit. Compliance with this condition shall be based on a plan, which shall be submitted to the Department of P&Z and T&ES prior to the issuance of a grading permit. This plan shall set forth the location of the parking to be provided at various stages of construction, how many spaces will be provided, how many construction workers will be assigned to the work site, and mechanisms which will be used to encourage the use of mass transit. The plan shall also provide for the location on the construction site at which information will be posted regarding Metro schedules and routes, bus schedules and routes. If the plan is found to be violated during the course of construction, a correction notice will be issued to the developer. If the violation is not corrected within ten (10) days, a "stop work order" will be issued, with construction halted until the violation has been corrected. (P&Z)(T&ES)

10. Provide a site lighting plan to the satisfaction of the Director of T&ES in consultation with the Chief of Police. The plan shall show the existing and proposed street lights and site lights. Indicate the type of fixture, and show mounting height, and strength of fixture in Lumens or Watts. Provide manufacturer's specifications for the fixtures. Provide lighting calculations to verify that lighting meets city standards and are located to prevent excessive spillover lighting and glare from adjacent properties. The applicant shall provide street light detail. The proposed light poles and lighting shall be decorative pedestrian scale lighting. (P&Z) (T&ES)

11. Developer agrees to pay capital cost for installation internally illuminated street signs, countdown pedestrian signals and accessible pedestrian signals at Beauregard and Armistead. The estimated capital cost is $10,000.00. (T&ES) (PC)

12. Provide all on-site pedestrian and traffic signage to the satisfaction of the Director of T&ES. (T&ES)

13. Developer agrees to purchase and install a bus shelter and landing platform on Armistead Street to be located at the existing bus stop. Developer also agrees to prepare site for proposed shelter and platform, including grading, retaining walls, etc., to the satisfaction of the Director of T&ES. Developer agrees to pay $1,000 to the City for the maintenance of the new bus shelter. If required, a public access and maintenance easement shall be dedicated. (T&ES) (PC)

Landscaping:

14. The applicant shall design a tree protection area which maximizes the preservation of existing trees, to the satisfaction of the Directors of P&Z and RP&CA. The tree protection area shall prohibit structures, fencing, and removal of trees/understory (except to the extent authorized by the City Arborist for routine maintenance purposes). (P&Z)

15. The central open space on the eastern portion of the site shall be designed as a useable open space for the use of the residents that shall consist of the amount of landscaping and amenities as depicted on the preliminary plan and shall also at a minimum provide the following to the satisfaction of the Director of P&Z:
    a. Two decorative benches shall be provided within the space to encourage use of the space.
    b. A focal element such as a gazebo, sculpture or water feature that is an appropriate scale for the space shall be provided and located centrally in the space.
    c. Thirty-two shrubs shall be planted around the perimeter of the open space to provide visual interest and seasonal color within the public space as well as be complimentary to the design of the focal element.
    d. Low scale pathway or bollard lighting shall be provided.
    e. Three additional trees and twenty additional shrubs shall be provided to screen the proposed retaining wall. (P&Z) (PC)

16. The final landscape plan shall be provided with the final site plan. The plan shall include the level of landscaping depicted on the preliminary landscape plan and shall provide the following, unless otherwise approved by the Directors of P&Z and RP&CA:
    a. An additional 10 street trees on Armistead between the sidewalk and the curb, spaced approximately 30 ft. on-center adjacent to the site.
    b. An additional 12 street trees on Beauregard Street between the sidewalk and the curb, spaced approximately 30 ft. on-center adjacent to the site.
    c. An additional 15-20 native evergreen and deciduous plantings within the tree protection area on the northwestern and northeastern portions of the site. An additional 20-25 native evergreen and deciduous plantings shall be provided between the tree protection area and the proposed units on Beauregard Street. The additional trees shall be 3"-3.5" caliper.
    d. An additional 15-20 evergreen and deciduous trees and shrubs shall be provided to screen the proposed retaining wall on the eastern portion of the site.
    e. An additional 15 deciduous and evergreen trees on the southern portion of the site to provide screening for the adjoining property.
    f. Provide foundation plantings for each of the townhouses.
    g. The sidewalks which lead to the central open space shall be augmented by ornamental trees, shrubs, and perennials at their intersections with the private street.
    h. Street trees shall be provided to the north of the driveway for Unit 15 and to the south of the driveway for Unit 31.
    i. All plant specifications shall be in accordance with the current and most up to date edition of the American Standard For Nursery Stock (ANSI Z60.1) as produced by

the American Association for Nurserymen; Washington, D.C.

j. All work shall be performed in accordance with Landscape Specifications Guidelines, 4th Edition as produced by the Landscape Contractors Association (LCA) of Maryland, District of Columbia and Virginia; Gaithersburg, Maryland.

k. Utility lines such as water, storm sewer and electric lines shall be located to minimize impacts on proposed street trees and open space.

l. The location of all light poles shall be coordinated with the street trees.

m. All landscaping shall be maintained in good condition and replaced as needed.

n. The landscape plan shall be prepared and sealed by a landscape architect. (P&Z) (PC)

17. The applicant shall implement the following tree protection measures to ensure the retention of the proposed trees to be saved as depicted on the preliminary site plan, to the satisfaction of the Directors of P&Z and RC&PA. All proposed tree protection details shall be depicted on the final site plan and be provided throughout the construction process.

a. No construction materials or equipment shall be stored or staged beyond the limits of disturbance or tree protection areas.

b. A note identifying these restrictions shall be provided on the Existing Conditions and Tree Save Plan, Preliminary Site Plan, and Landscape Plan.

c. Tree protection for any protected tree shall be constructed of 4"x 4" wooden vertical posts installed in the ground 8' on center with 1"x 6" wooden battens mounted between them. Temporary plastic fencing may be used to define other limits of clearing. All tree protection must be shown on the final site plan, and is to be installed prior to any clearing, excavation or construction on the site. The developer shall call the City Arborist for a review of the installed tree protection following its installation and prior to any construction, clearing, grading or site activity.

d. If the trees are damaged or destroyed by construction activities the applicant shall replace the tree(s) with the largest caliper trees(s) of comparable species that are available at a local nursery; the remaining tree caliper shall be planted on-site or adjacent to the site. (P&Z) (PC)

18. The 15" RCP storm sewer and 10" sanitary sewer that connect to public utilities under Beauregard Street shall be run parallel to one another and at the minimum separation of 10' or as otherwise approved by the Director of T&ES, in order to minimize tree and slope disturbance. (P&Z)

Building:

19. The final architectural elevations shall be consistent with the level of quality and detail provided in the preliminary architectural elevations, undated, which were submitted with the 8/23/04 Preliminary Plans. The facades facing Beauregard Street and Armistead Street shall be designed with a level of architectural detail and finishes that include to the satisfaction of the Director of Planning and Zoning the following:

a. The rear elevations of all units which face Beauregard or Armistead Street shall be designed to appear as front facades, including appropriate fenestration and the provision of dormers or gables or shutters. Varying color shall also be provided for each unit. The rears of each unit shall be cementitious siding.

b. All decks which face Beauregard or Armistead Street shall either be painted white or constructed of white vinyl and integrated into the design of the unit to appear more as porches.
c. The materials for the front of the units shall be brick.
d. Color elevations shall be submitted with the final site plan.
e. Architectural elevations (front, side and rear) shall be submitted with the final site plan. Each elevation shall indicate average finished grade.
f. The architectural elevations shall be revised prior to the release of the final site plan.
g. The applicant may substitute side-entry units for front-entry units or front-entry units for side-entry units as part of the final site plan. (P&Z) (PC)

20. Based on a history of sound transmission complaints, it is recommended that all walls that separate dwellings unit have a STC rating of at least 60. (Code)

21. All townhouses in this project be equipped with a fire sprinkler system.(Code)

22. Provide additional emergency vehicle easement signs spaced at a maximum of 100 feet apart on each side of the street to the satisfaction of the Director of Code Enforcement. (Code)

23. Prior to submission of the Final Site Plan, the developer shall provide a fire flow analysis by a certified licensed fire protection engineer to assure adequate water supply for the structure being considered. (Code)

24. The City of Alexandria encourages the use of green building technology. Provide specific examples where this development will incorporate this technology, including low impact development, green roofs, and energy efficient materials, into its design.(TES) (P&Z)

Housing:

25. In accordance with the City's Affordable Housing Policy, the applicant agrees to make a voluntary contribution to the City's Housing Trust Fund of $1.00 per gross square foot of new building area for all new residential development of five or more units. The applicant shall pay the contribution to the City at the time of sale to the end user in the case of condominium or single-family housing. (Housing) (PC)

General:

26. Show all utility structures, including transformers, on the final development plan. All utility structures (except fire hydrants) shall be clustered and located so as not to be visible from a public right-of-way or private street where possible. When such a location is not feasible, such structures shall be located and screened to the satisfaction of the Director of P&Z. (P&Z) (PC)

27. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding locking hardware and alarms for the homes. This is to be completed prior to the commencement of construction. (Police)

28. A temporary informational sign shall be installed on the site prior to the approval of the final site plan for the project and shall be displayed until construction is complete or replaced with a marketing sign incorporating the required information; the sign shall notify the public of the nature of the upcoming project and shall provide a phone number for public questions regarding the project. (P&Z)

29. Before commencing any clearing or grading of the site, the applicant shall hold a meeting with adjacent condominium, townhouse and single family home association representatives and owners to review the hauling routes, location of construction worker parking, plan for temporary pedestrian and vehicular circulation, and hours and overall schedule for construction. The Departments of P&Z and T&ES shall be notified of the date of the meeting before the permit is issued. (P&Z)

30. The applicant shall identify a person who will serve as liaison to the community throughout the duration of construction. The name and telephone number of this individual shall be provided in writing to residents, property managers and business owners whose property abuts the site, and to the Directors of P&Z and T&ES. (P&Z)

31. The applicant shall be allowed to make minor adjustments to the building locations if the changes do not result in the loss of required or visitor parking, open space, existing trees to be protected or an increase in the building height or building footprint. (P&Z)

32. Any inconsistencies between the various drawings submitted by the applicant shall be reconciled to the satisfaction of the Directors of Planning and Zoning and Transportation and Environmental Services. (P&Z)

33. Submit a building location survey to the Planning and Zoning staff prior to applying for a certificate of occupancy permit for each unit. (P&Z)

34. Temporary construction trailer(s) shall be permitted and be subject to the approval of the Director of P&Z. The trailer(s) shall be removed prior to the issuance of the last certificate of occupancy permit. A separate sales trailer will require approval of a special use permit approved by City Council. (P&Z)(PC)

35. Prior to the release of the final site plan, provide a Traffic Control Plan for construction detailing proposed controls to traffic movement, lane closures, construction entrances, haul routes, and storage and staging. (T&ES)

36. All Traffic Control Device design plans, Work Zone Traffic Control plans, and Traffic Studies shall be sealed by a professional engineer, registered in the Commonwealth of Virginia. (T&ES)

37. Replace existing curb and gutter, sidewalks, and handicap ramps that are damaged due to construction. (T&ES) (PC)

38. Provide City standard pavement for emergency vehicle easements. (T&ES)

39. Prior to the release of the first certificate of occupancy for the project, the City Attorney shall review and approve the language of the Condominium Unit Owners' Agreement to ensure that it conveys to future unit owners the requirements of this site plan, including the restrictions listed below. The Condominium Unit Owners Agreement language shall establish and clearly explain that these conditions cannot be changed except by an amendment to this site plan, with approval by the Planning Commission.
    a. Individual townhouse garages and spaces may be utilized only for parking; storage which interferes with the use of the garages for vehicle parking is prohibited.
    b. Vehicles shall not be permitted to park on sidewalks, in driveways which obstruct sidewalks, on any emergency vehicle easement. The Condominium Unit Owner's Agreement will allow the Condominium Association to have vehicles which violate this provision towed.
    c. For units adjacent to North Beauregard and North Armistead Streets, outdoor storage and sheds are prohibited.
    d. Additions to units or decks larger than are depicted on the plans shall not be permitted without approval of the Planning Commission or the Director of Planning and Zoning, as determined by the Director.
    e. No balconies, bay windows, or any other improvements shall be allowed to encroach into the space above an emergency vehicle easement.
    f. All landscaping and screening shown on the final landscaping plan shall be maintained in good condition and may not be reduced without approval of City Council or the Director of Planning and Zoning, as determined by the Director of Planning and Zoning.
    g. The applicant shall notify prospective purchasers, including language in sales and marketing brochures, that on-site parking is limited to garage spaces, driveway spaces, and 6 surface parking spaces.
    h. The developer shall notify prospective buyers, in its marketing materials, that the proposed streets and on-site storm sewers are privately maintained. (P&Z) (PC)

40. All required fire hydrants shall be in place and fully operational prior to storing or erecting any lumber products on site. (Code)

41. The applicant is to contact the Crime Prevention Unit of the Alexandria Police Department at 703-838-4520 regarding a security survey for any construction trailers as soon as they are placed on site. (Police)

Environmental:

42. Developer to comply with the peak flow requirements of Article XIII of AZO. (T&ES)

43. Plan must demonstrate to the satisfaction of the Director of T&ES that adequate stormwater outfall is available to the site, or else developer is to design and build any on- or off-site improvements to discharge to an adequate outfall. (T&ES)

44. If combined uncontrolled and controlled stormwater outfall is proposed, the peak flow requirements of Article XIII of AZO shall be met. (T&ES)

45. The applicant is advised that all stormwater designs that require analysis of pressure hydraulic systems and/or inclusion and design of flow control structures must be sealed by a professional engineer, registered in the Commonwealth of Virginia. If applicable, the Director of T&ES may require resubmission of all plans that do not meet this standard. (T&ES)

46. Provide proposed elevations (contours and spot shots) in sufficient detail on grading plan to clearly show the drainage patterns. (T&ES)

47. The project lies entirely within an area described on historical maps as containing marine clays. Construction methodology and erosion and sediment control measures must account for the existence of this type of soils on site. Also, provide a geotechnical report including recommendations from a geotechnical professional for proposed cut slopes and embankments (T&ES)

48. Solid waste services shall be provided by the City. The developer must provide adequate space within each unit to accommodate a City Standard super can and recycling container. The containers must be placed inside the units or within an enclosure that completely screens them from view. The developer must purchase the standard containers from the City or provide containers that are compatible with City collection system and approved by the Director of Transportation and Environmental Services. (T&ES)

49. The stormwater collection system is part of the Holmes Run watershed. All on-site stormwater curb inlets and public curb inlets within 50 feet of the property line shall be duly marked to the satisfaction of the Director of T&ES. (T&ES)

50. The City's stormwater management regulations in terms of water quality are two-fold: phosphorus removal requirements and water quality volume default. Compliance with the phosphorus requirements does not relieve the applicant form the water quality default requirement. The water quality volume from the site's proposed impervious area must be treated in a Best Management Practice stormwater facility. Any deviation from this requirement must be addressed through a formal exception letter to the City as discussed in Memorandum to Industry #2002-0001. (T&ES)

51. Provide complete pre and post development drainage maps including areas that contribute surface runoff from beyond project boundaries: topographic information, storm drains, BMP's and either Worksheet A or B and Worksheet C if applicable. (T&ES)

52. The stormwater Best Management Practices (BMPs) required for this project shall be

constructed and installed under the direct supervision of the design professional or his designated representative. Prior to release of the performance bond, the design professional shall submit a written certification to the Director of T&ES that the BMPs are:

a. Constructed and installed as designed and in accordance with the approved Final Site Plan.
b. Clean and free of debris, soil, and litter by either having been installed or brought into service after the site was stabilized. (T&ES)

53. For any surface-installed stormwater Best Management Practice (BMP), i.e. bio-retention filters, vegetated swales, etc. that are employed for this site, descriptive signage for the BMPs is required to be installed to the satisfaction of the Director of T&ES. (T&ES)

54. The Applicant shall submit a stormwater quality BMP Maintenance Agreement with the City to be reviewed as part of the Final #2 Plan. It must be executed and recorded with the Land Records Division of Alexandria Circuit Court prior to approval of the final site plan. (T&ES)

55. The applicant shall be responsible for maintaining stormwater Best Management Practices (BMPs) until activation of the Condominium Unit Owners' Association, if applicable, or until sale to an owner. Prior to transferring responsibility for the BMPs to the Condominium Unit Owners' Association, the applicant shall execute a maintenance service contract with a private contractor for a minimum of three years and transfer the contract to the Condominium Unit Owners' Association. A copy of the contract shall also be placed in the BMP Operation and Maintenance Manual. Prior to release of the performance bond, a copy of the contract shall be submitted to the City. (T&ES)

56. The applicant shall furnish the Condominium Unit Owners' Association with an Owner s Operation and Maintenance Manual for all the Best Management Practices (BMP s) used on site. The manual shall include at a minimum: an explanation of the functions and operations of the BMP(s); drawings and diagrams of the BMP(s) and any supporting utilities; catalog cuts on maintenance requirements including mechanical or electrical equipment; manufacturer contact names and phone numbers; a copy of the executed maintenance service contract; and a copy of the maintenance agreement with the City. (T&ES)

57. The Developer shall furnish each home purchaser with a brochure describing the stormwater BMP(s) installed on the site, outlining the responsibilities of the homeowners and the Condominium Unit Owners' Association with respect to maintenance requirements. Upon activation of the Condominium Unit Owners' Association, the Developer shall furnish five copies of the brochure per unit to the Condominium Unit Owners' Association for distribution to subsequent homeowners. (T&ES)

58. Prior to release of the performance bond, a copy of the Operation and Maintenance Manual shall be submitted to the City on a digital media. (T&ES)

59. If fireplaces are to be included in the development, the applicant is required to install gas fireplaces to reduce air pollution and odors. Animal screens must be installed on chimneys. (T&ES)

60. A "Certified Land Disturber" must be named on the Erosion & Sedimentation Control sheets at the pre-construction meeting prior to commencement of activity in accordance with the Virginia Department of Conservation and Recreation guidelines. (T&ES)

61. During the construction phase of this development, the site developer, its contractor, certified land disturber, or owner's other agents shall implement a waste and refuse control program. This program shall control wastes such as discarded building materials, concrete truck washout, chemicals, litter or trash, trash generated by construction workers or mobile food vendor businesses serving them and sanitary waste at the construction site and prevent its off site migration that may cause adverse impacts to the neighboring properties or the environment to the satisfaction of Directors of Transportation and Environmental Services and Code Enforcement. All wastes shall be disposed off site properly in accordance with all applicable federal, state and local laws. (T&ES)(PC)

62. The alignment of the storm and sanitary sewers between Units 21 and 31 shown on the Preliminary Site Plan, dated 12/17/04, is unacceptable. Revise alignment so that there is adequate separation between the two sewer lines and to eliminate or reduce the number of crossings. The final alignment of these sewers may be determined during the final site plan process and shall be to the satisfaction of the Director of T&ES. (T&ES)

63. The proposed on-site storm sewer system shown on the Preliminary Site Plan, dated 12/17/04, appears to be incomplete. Final site plans must show a connection between structure 8 and structure 6. (T&ES) (PC)

64. Adjust Water Quality data to reflect new values for impervious surfaces. Coordinate on all applicable sheets and BMP worksheets. (T&ES) (PC)

ADDITIONAL CITY DEPARTMENT CODE COMMENTS

Legend: C - Code Requirement R - Recommendation S - Suggestion F - Finding

Code Enforcement

C-1 Hydrants shall be spaced at 300 foot intervals beginning at the entrance to the project. The spacing distance shall be measured from the hydrant to the most remote point of vehicle access as measured by the vehicular travel path. The last 2 hydrants are 330 feet apart and therefor do not comply with this requirement. **Condition met, additional hydrant added to meet spacing requirement**.

C-2 All exterior walls within 3 feet from an interior property line shall have a fire resistance rating of 1 hour, from both sides, with no openings permitted within the wall. As alternative, a 2 hour fire wall may be provided. This condition is also applicable to porches with roofs and skylights within setback distance. **Acknowledged by applicant.**

C-3 Prior to the issuance of a demolition permit or land disturbance permit, a rodent abatement plan shall be submitted to Code Enforcement that will outline the steps that will taken to prevent the spread of rodents from the construction site to the surrounding community and sewers. **Acknowledged by applicant.**

C-4 Roof drainage systems must be installed so as neither to impact upon, nor cause erosion/damage to adjacent property. **Acknowledged by applicant.**

C-5 A soils report must be submitted with the building permit application. **Acknowledged by applicant.**

C-6 New construction must comply with the current edition of the Uniform Statewide Building Code (USBC). **Acknowledged by applicant.**

C-7 Construction permits are required for this project. Plans shall accompany the permit application that fully detail the construction as well as layouts and schematics of the mechanical, electrical, and plumbing systems. **Acknowledged by applicant.**

C-8 A Certificate of occupancy shall be obtained prior to any occupancy of the building or portion thereof, in accordance with USBC 118.0. **Acknowledged by applicant.**

C-9 A wall location plat prepared by a land surveyor is required to be submitted to this office prior to requesting any framing inspection. **Acknowledged by applicant.**

Transportation and Environmental Services (T&ES)

C- 1 Bond for the public improvements must be posted prior to release of the plan.

C- 2 All downspouts must be connected to a storm sewer by continuous underground pipe.

C- 3 The sewer tap fee must be paid prior to release of the plan.

C- 4 All easements and/or dedications must be recorded prior to release of the plan.

C- 5 Plans and profiles of utilities and roads in public easements and/or public right-of-way must be approved prior to release of the plan.

C- 6 All drainage facilities must be designed to the satisfaction of T&ES. Drainage divide maps and computations must be provided for approval.

C- 7 All utilities serving this site to be underground.

C- 8 Provide site lighting plan to meet minimum city standards.

C- 9 The applicant shall comply with the City of Alexandria's Noise Control Code, Title 11, Chapter 5, which sets the maximum permissible noise level as measured at the property line.

C- 10 The applicant must comply with the Article XIII of the City's zoning ordinance, which includes requirements for stormwater pollutant load reductions, treatment of the water quality volume default, and stormwater quantity management.

C- 11 The applicant must comply with the City of Alexandria, Erosion and Sediment Control Code, Section 5, Chapter 4. This includes naming a Responsible Land Disturber on the Erosion and Sediment Control sheets prior to engaging in land disturbing activities in accordance with Virginia Erosion and Sediment Control Law.

C- 12 All required permits from Virginia Department of Environmental Quality, Environmental Protection Agency, Army Corps of Engineers, Virginia Marine Resources must be in place for all project construction and mitigation work prior to release of the final site plan. This includes the new state requirement for a VPDES permit for all construction activities greater than 1 acre.

Virginia American Water Company

C- 1 Hydraulic calculations will be completed to verify main sizes upon final submittal of the site plan. Profiles will be required for hydraulic calculations.

C- 2 Maintain a 10' horizontal separation between water and sewer mains.

C- 3 There is an existing 8" fire + 6" domestic service to this site. Coordinate with VAWC on retiring this pipe.

Police

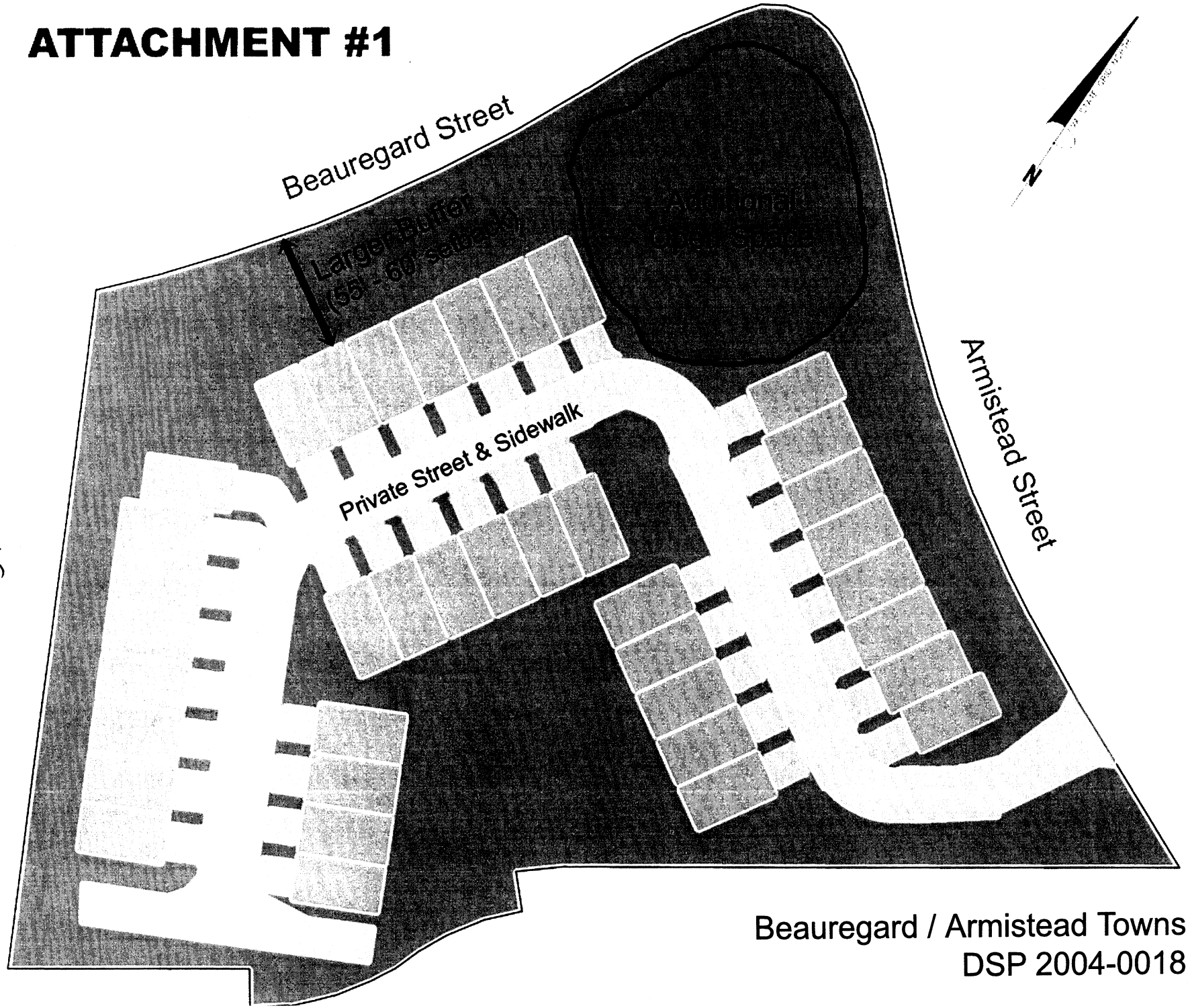
The following recommendation related to site lighting has not been included as a condition; rather, staff has recommended that the applicant prepare a lighting plan to the satisfaction of the Director of T&ES in consultation with the Chief of Police, which will likely result in lower lighting levels than recommended by the Police.

R- 1 The lighting for sidewalks, parking lots, and common areas should be maintained at a minimum of 2.0 foot-candles.

Historic Alexandria (Archaeology):

F- 1 The site has a low potential for archaeological resources. No comments.

ATTACHMENT #1



Beauregard / Armistead Towns
DSP 2004-0018

APPLICATION for DEVELOPMENT SITE PLAN
DSP #2004-0018

PROJECT NAME: Beauregard/Armistead Towns

PROPERTY LOCATION: 520 N. Armistead Street

TAX MAP REFERENCE: 37.02-01-16 ZONE: RA

APPLICANT Name: Stanley Martin Companies, Inc.

Address: 1881 Campus Commons Drive, Suite 101
Reston, VA 20191

PROPERTY OWNER Name: Lerner Enterprises Limited Partnership
Theodore N. Lerner, Trustee

Address: 11501 Huff Court, North Bethesda, MD 20895-1043

SUMMARY OF PROPOSAL: Development Site Plan to construct forty-two (42) townhouse-style condominiums.

MODIFICATIONS REQUESTED: None

THE UNDERSIGNED hereby applies for Development Site Plan approval in accordance with the provisions of Section 11-400 of the Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED, having obtained permission from the property owner, hereby grants permission to the City of Alexandria to post placard notice on the property for which this application is requested, pursuant to Article XI, Section 11-301 (B) of the 1992 Zoning Ordinance of the City of Alexandria, Virginia.

THE UNDERSIGNED also attests that all of the information herein provided and specifically including all surveys, drawings, etc., required of the applicant are true, correct and accurate to the best of his knowledge and belief.

Stanley Martin Companies, Inc.
By: M. Catharine Puskar, Agent/Attorney
Print Name of Applicant or Agent

M Catharine Puskar
Signature

Walsh, Colucci, Lubeley, Emrich & Terpak, PC
2200 Clarendon Blvd., 13th Floor
Mailing/Street Address

(703) 528-4700 *Telephone #*
(703) 525-3197 *Fax #*

Arlington, VA 22201
City and State *Zip Code*

July 23, 2004
Date

DO NOT WRITE BELOW THIS LINE - OFFICE USE ONLY

Application Received: _____
Fee Paid & Date: $_____ _____

Received Plans for Completeness: _____
Received Plans for Preliminary: _____

ACTION - PLANNING COMMISSION: 12-7-04 Deferred

Development Site Plan (DSP) #2004-0018

All applicants must complete this form.

1. The applicant is the (check one):

[ ] Owner [X] Contract Purchaser

[ ] Lessee [ ] Other: _____

State the name, address and percent of ownership of any person or entity owning an interest in the applicant, unless the entity is a corporation or partnership in which case identify each owner of more than ten percent.

Artma, Inc. (75%)
1881 Campus Commons Drive, Suite 101
Reston, VA 20191

Martin Alloy owns more than 10%

Victoria DBL (25%)
1881 Campus Commons Drive, Suite 101
Reston, VA 20191

Steven Alloy owns more than 10%

If property owner or applicant is being represented by an authorized agent such as an attorney, realtor, or other person for which there is some form of compensation, does this agent or the business in which the agent is employed have a business license to operate in the City of Alexandria, Virginia? N/A

[ ] Yes. Provide proof of current City business license

[ ] No. The agent shall obtain a business license prior to filing application, if required by the City Code.

A Traffic Impact Analysis of

Beauregard Armistead Townes

located in the

City of Alexandria, Virginia

prepared for

Stanley Martin Companies
1881 Campus Commons Drive
Suite 101
Reston, Virginia 20191-1520

prepared by

Patton Harris Rust & Associates, pc
14532 Lee Road
Chantilly, Virginia 20151-1679

July 23, 2004
Revised August 24, 2004

PHR+A

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This Report is prepared by:

Douglas R. Kennedy, P.E. – Director of Transportation Planning – PHR+A
Dilip Malave – Transportation Engineer – PHR+A

INTRODUCTION

This analysis summarizes the traffic impacts of the addition of 42 town houses at the SE corner of North Beauregard and North Armistead Street, north of Quantrell Avenue in the City of Alexandria, Virginia. The proposed densities for the site are listed in Table 1. These uses were modeled into the surrounding roadway network for a design year of 2006. The site, designated as Beauregard Armistead Townes, has been referenced as North Armistead Street property in this report, consistent with "A Traffic Impact Analysis of North Armistead Street Property", prepared by PHR+A, July 23, 2004. The revisions incorporate the City comments received in August 2004 (comments 32, 40–42). The conclusions and impacts are not significantly changed with the revisions. Changes are shown on pages 9 and 18 and Figures 2, 4 and 5.

The North Armistead site is zoned for 102 multi-family residential units. The proposed uses for development as townhouses are less intense than the development potential of the site as multi-family apartments.. This analysis evaluates the infrastructure capacity of the proposed development on the existing roadway network.

TABLE 1—SITE DENSITIES

Use	Proposed Density
Town Houses	42 DU

DU=dwelling units

METHODOLOGY

The traffic projections for the North Armistead property were established through a sequence of activities as the narratives that follow document:

- Analysis of existing conditions based on current traffic counts at North Beauregard Street and North Armistead Street intersection,
- Calculation of trip generation for the proposed uses for weekday AM and PM peak hours,
- A growth rate for existing traffic,
- Distribution and assignment of generated trips onto the road network,
- Analysis of capacity and levels of service during both the weekday AM and PM peak hours.

The following reports and resources were used to determine previous growth trends, other development, and trip distributions:

- Virginia Department of Transportation Average Daily Traffic Volumes on Interstate, Arterial and Primary Routes, 1980-2002,

- Highway Capacity Manual (HCM) Highway Capacity Software (HCS) version 4.1B, included in Appendices A, B and C.
- Institute of Transportation Engineers (ITE) Trip Generation Manual, 7th Edition,

The report addresses the following traffic scenarios:

- Existing (year 2004) traffic conditions based on June 2004 weekday peak period traffic manual counts at the study area,
- Future (2006) background development without the site and with growth on North Beauregard Street, at the City's recommendation of three percent.
- Design year (2006) traffic conditions with the build-out of the North Armistead property.

EXISTING CONDITIONS

PHR+A collected peak period traffic volumes during June of 2004 at the signalized intersection of North Beauregard and North Armistead Street. Volumes were collected during the AM (7:00-9:00 a.m.) peak hour and PM (4:00-6:00 p.m.) peak hour. North Beauregard Street is adjacent to the proposed site. The traffic volume worksheets are attached in Appendix A. The signalized intersection of North Beauregard Street and North Armistead Street has a cycle length of 60 seconds.

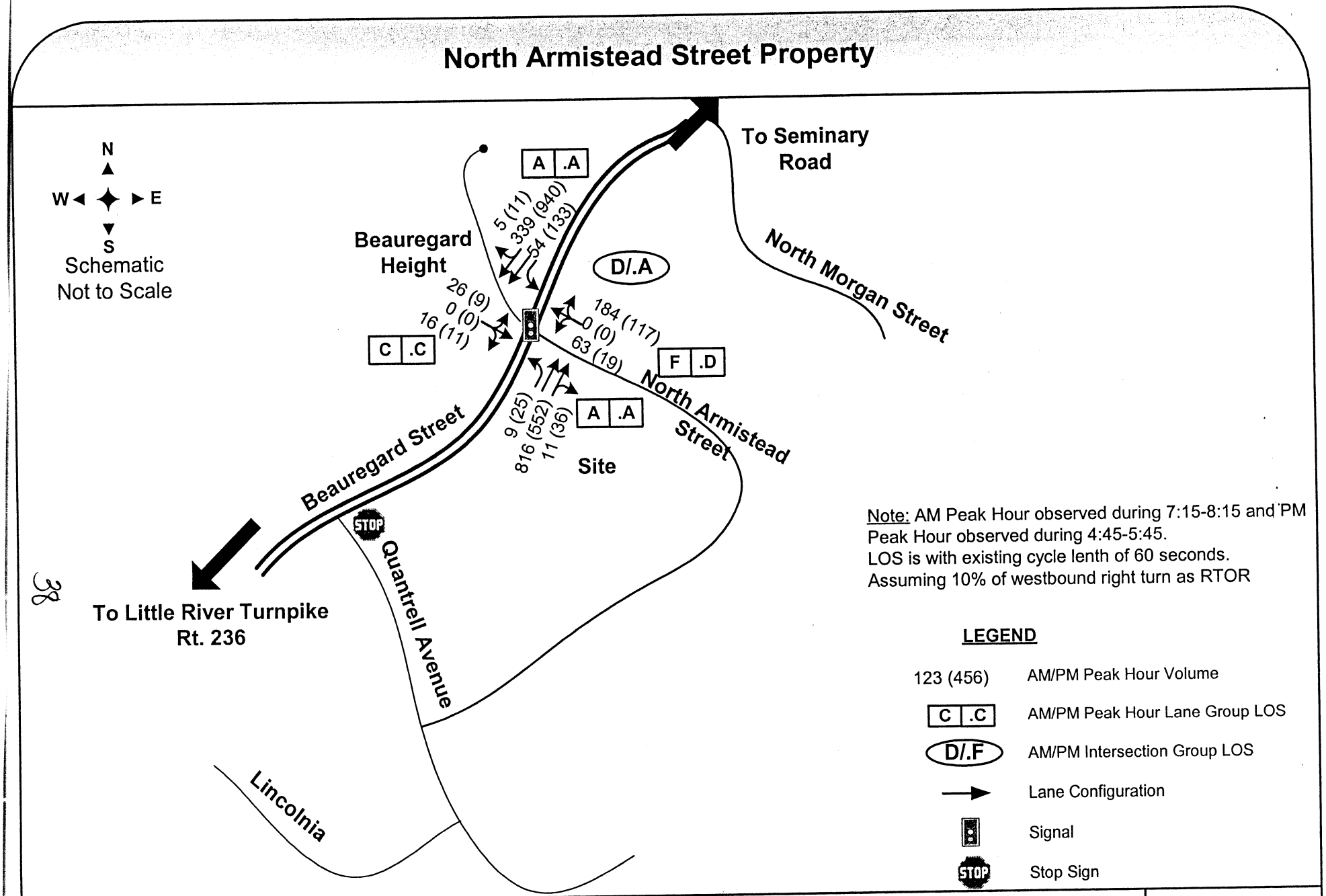
Existing Levels of Service

The existing peak period traffic conditions with existing roadways and lane configurations are shown in Figure 1 and the effective intersection operations are shown in Table 2. Currently, all approaches operate at Level of Service 'C' or better during AM and PM weekday hours except for the westbound approach of North Armistead Street, which fails during the AM peak hour. HCS worksheets for existing conditions are attached in Appendix A. The existing cycle length is 60 seconds with only 8 seconds for side street turns. The signal has a permitted/protected left turn phase for southbound left during PM peak period from North Beauregard Street to North Armistead Street.

TABLE 2—EXISTING (2004) INTERSECTION LEVELS OF SERVICE

Intersection	Movement	AM Peak LOS	AM Peak Delay	PM Peak LOS	PM Peak Delay
North Armistead Street and North Beauregard Street	NB	A	5.0	A	5.9
	SB	A	5.6	A	4.7
	WB	F	314.6	D	39.3
	EB	C	26.1	C	23.6
	Overall	**D**	**54.8**	**A**	**8.1**

All delay shown in seconds



PHR+A

Existing (2004) Peak Hour Traffic Conditions

Revised August 2004

FIGURE 1

FILE NO.: 13016\1-0\Graphics

TRIP GENERATION

Table 3 illustrates the trip generation for the proposed uses based on the average trip rates from the Institute of Transportation Engineers Trip Generation Manual (7th Edition). As seen in the table, the proposed town house site would **generate a total of 28 AM peak hour trips, 35 PM peak hour trips and 365 daily trips.**

The table also includes a comparison to the site development potential with apartment uses. The trip generation for 102 apartment dwelling units under the by-right scenario equates to 52 and 63 peak hour trips in the AM and PM peaks, respectively. The Daily Trip Generation with the by-right condition is 685 vehicles per day with the apartments. **With the 42 town house proposed at the subject site, there is an overall reduction of approximately 45 percent with respect to the traffic generation associated with the 102 multi-family apartments, in the by-right uses.**

Table 3
Trip Generation Comparison

CODE	DENSITY	Var.	USE	AM PEAK HOUR IN	AM PEAK HOUR OUT	AM PEAK HOUR TOTAL	PM PEAK HOUR IN	PM PEAK HOUR OUT	PM PEAK HOUR TOTAL	DAILY (2-way)
			Proposed Uses							
231.10	42 DU		Townhouse	7	21	**28**	20	15	**35**	**365**
			By-Right Uses							
220.70	102 DU		Multi-Family Apartment	10	42	**52**	41	22	**63**	**685**
			Change from By-right	**-3**	**-21**	**-24**	**-21**	**-7**	**-28**	**-320**
			Percentage Change			**-46%**			**-44%**	**-47%**

Effective Trip Rates

			AM	PM	Daily
220.7	Multi-Family Apartment	DU	0.51	0.62	6.72
231.1	Townhouse	DU	0.67	0.83	8.69

40

TRIP RATE SOURCE:
Trip Generation Manual (7th Edition), Institute of Transportation Engineers; 2003.

BACKGROUND 2006 TRAFFIC CONDITIONS

The following traffic volume changes were factored into the future year design scenario:

- Ambient Traffic Growth,
- Site development associated with the build-out of the North Armistead site,

Traffic Growth

PHR+A computed the peak period and daily traffic volume growth rates for North Beauregard Street, adjacent to the site, based on existing and previous traffic counts as well as VDOT average daily traffic volume. Based on computed peak period traffic growth rate and previous traffic forecasts, PHR+A originally considered a two percent growth rate along North Beauregard Street. Based on City Staff input, PHR+A increased the through traffic volumes along North Beauregard Street using a three percent average annual growth rate. Since the subject site is the last undeveloped parcel on North Armistead, PHR+A did not grow the traffic turning to/from the side street. The access to the west to Beauregard Heights is a cul-de-sac

TABLE 4 — HISTORICAL GROWTH TRENDS

Year	AM Peak Hour
1986 (1)	19,270
2001 (2)	21,000
2002	21,000
2004 (3)	21,800
Average Growth with respect to 2002	1.90%

(1) ADTs between Morgan Street and Sanger Avenue
(2) Source: VDOT Traffic Engineering Division, Average Daily Traffic Volumes on Interstate and Primary Routes. Volumes between WCL Alexandria and Braddock Road
(3) Obtained from PM peak of existing traffic condition and a k-factor of 0.085

Background Traffic Conditions

The existing traffic adjusted for growth on the northbound and southbound throughs, was added to the traffic to arrive at 2006 traffic volumes without the subject site. No improvements along North Beauregard Street or North Armistead Street were assumed. Levels of Service were analyzed at the intersection of North Beauregard Street and North Armistead Street. Note that the signal phase timings have been changed from the existing conditions, to optimize the overall intersection performance, based on the city's desirable Level of Service standards. The side street phase timing was increased to achieve

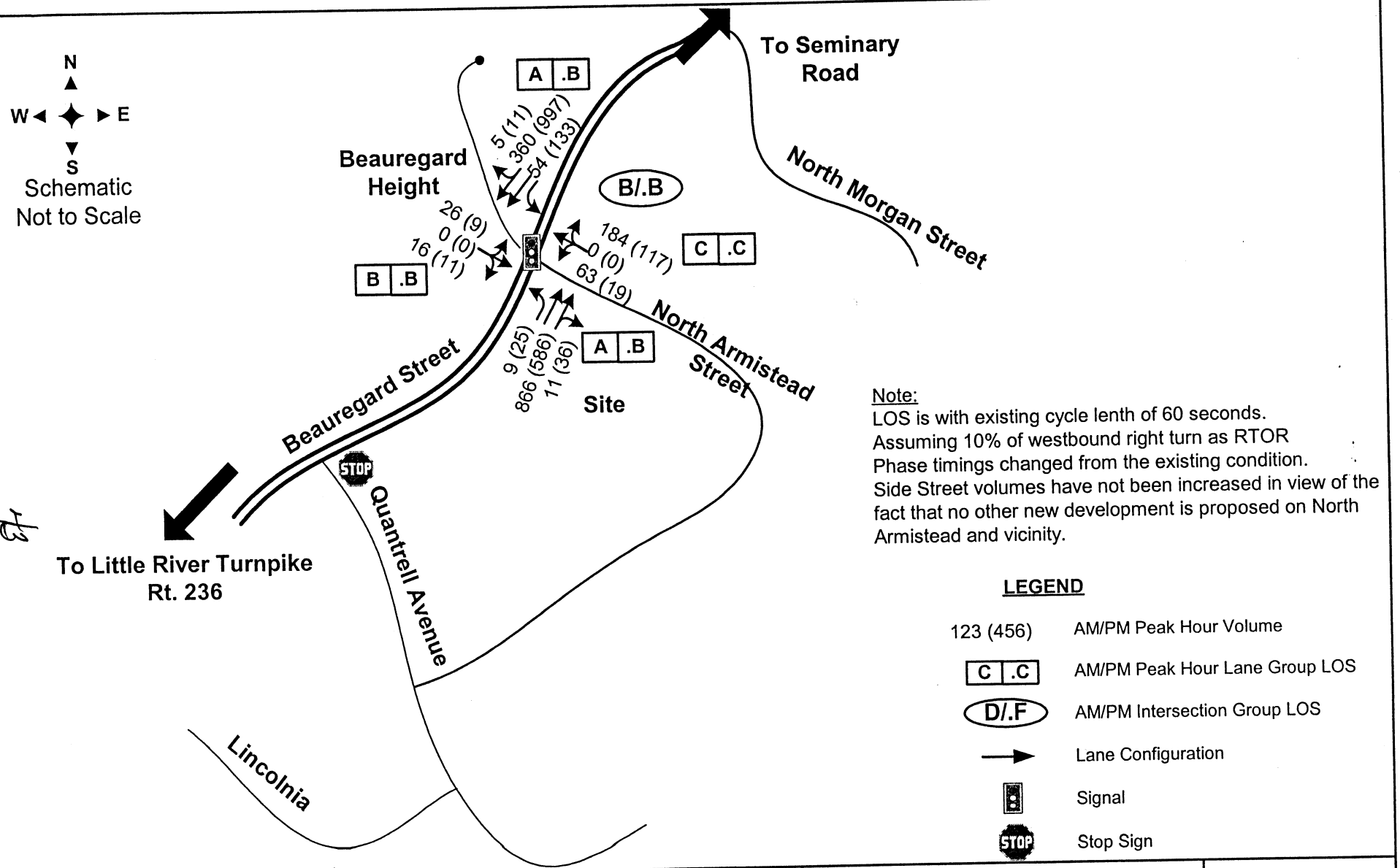
acceptable levels of service without the development of the subject site. The optimization adds time to the side street as a permitted phase from 8 seconds to 16 seconds and 14 seconds, in the AM and PM respectively. The change in timing results in a LOS "C" for the westbound North Armistead approach. No change in signal sequence operations or equipment is proposed. The cycle length and yellow/red minimums were not adjusted. **Under the background conditions, the levels of service on all the four approaches are at acceptable LOS with growth and without site development.** The main line approaches continue to operate at LOS "B" or better during both the peak periods. Due to the change in the phase timings all approaches at the study area operate with a LOS "C" or better during AM and PM peak periods. Background traffic volumes and levels of service can be seen in Figure 2, and levels of service with total delays for each approach are available in Table 5. HCS worksheets for background conditions are attached in Appendix B.

TABLE 5—BACKGROUND (2006) INTERSECTION LEVELS OF SERVICE WITHOUT SITE

Intersection	Movement	AM Peak LOS	AM Peak Delay	PM Peak LOS	PM Peak Delay
North Beauregard Street and North Armistead Street *Signalized*	NB	A	9.2	B	10.7
	SB	A	9.7	A	8.6
	WB	C	23.8	C	20.2
	EB	B	16.9	B	18.0
	Overall	**B**	**11.8**	**B**	**10.3**

All delay shown in seconds

North Armistead Street Property



Note:
LOS is with existing cycle lenth of 60 seconds.
Assuming 10% of westbound right turn as RTOR
Phase timings changed from the existing condition.
Side Street volumes have not been increased in view of the fact that no other new development is proposed on North Armistead and vicinity.

LEGEND

123 (456)	AM/PM Peak Hour Volume
C .C	AM/PM Peak Hour Lane Group LOS
D/.F	AM/PM Intersection Group LOS
→	Lane Configuration
	Signal
STOP	Stop Sign

PHR+A

Background (2006) Peak Hour Traffic Conditions

Revised August 2004

FIGURE 2

FILE NO.: 13016\1-0\Graphics

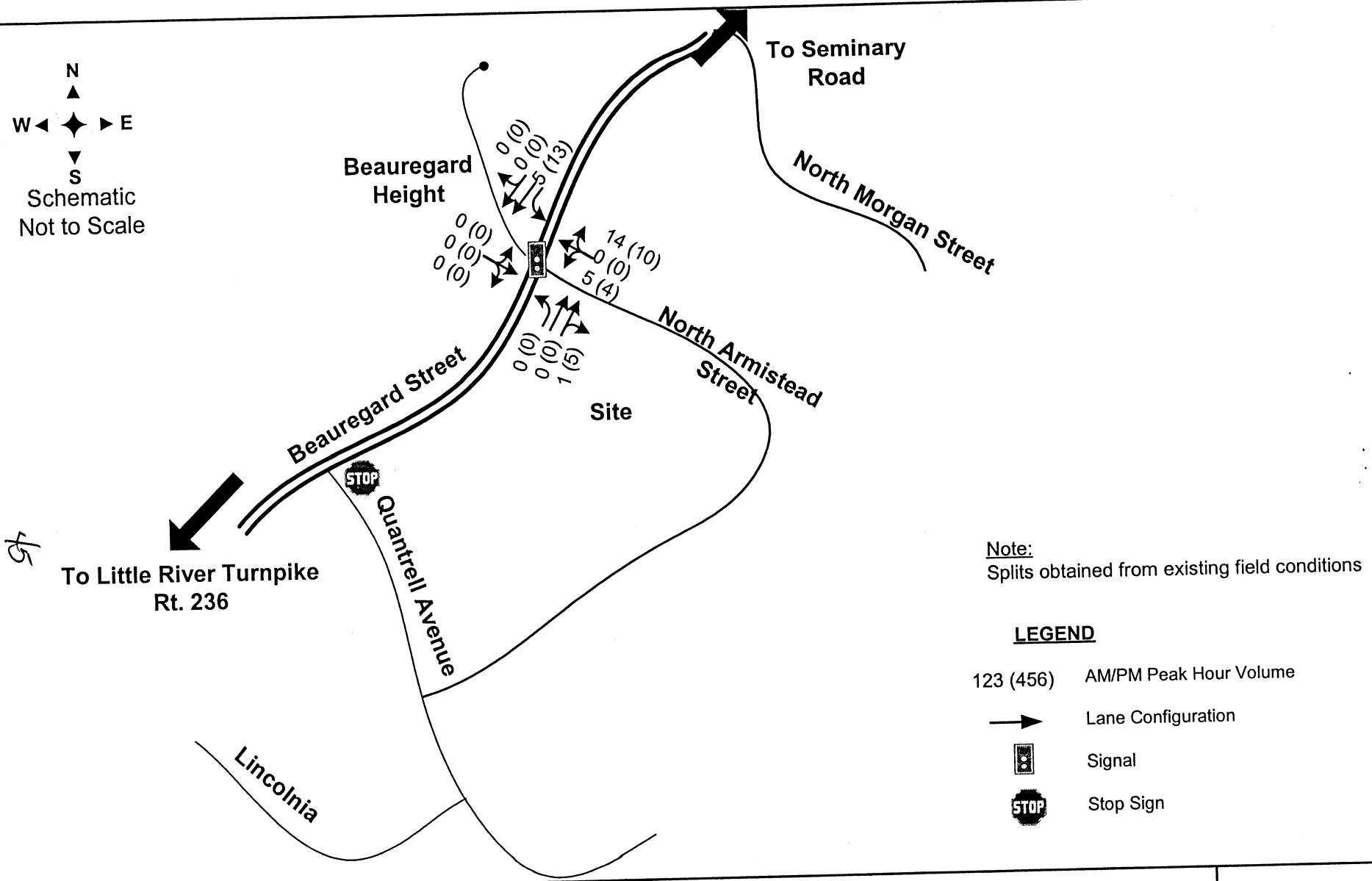
SITE TRAFFIC VOLUMES

The site trips listed in Table 3 were distributed according to the distributions listed in Table 6. Regional distributions are based on existing traffic counts and splits at North Beauregard Street and North Armistead Street intersection, from the 2004 counts Peak hour volumes, associated with the site traffic are shown in Figure 3.

TABLE 6—SITE TRAFFIC DISTRIBUTIONS

Direction	Percentage Site Trip Distribution
Residential Uses	
From the North via North Beauregard Street	65%
From the South via North Beauregard Street	25%
From the West via North Armistead Street	10%

North Armistead Street Property



Note:
Splits obtained from existing field conditions

LEGEND

123 (456)	AM/PM Peak Hour Volume
→	Lane Configuration
	Signal
STOP	Stop Sign

PHR+A

Future (2006) Site Peak Hour Traffic Conditions

Revised August 2004

FIGURE 3

FILE NO.: 13016\1-0\Graphics

BUILD-OUT TRAFFIC VOLUMES WITH "BEAUREGARD ARMISTEAD TOWNES" RESIDENTIAL DEVELOPMENT

The site assignments were combined with the background 2006 forecasts, as shown in Figure 4.

Total 2006 Levels of Service

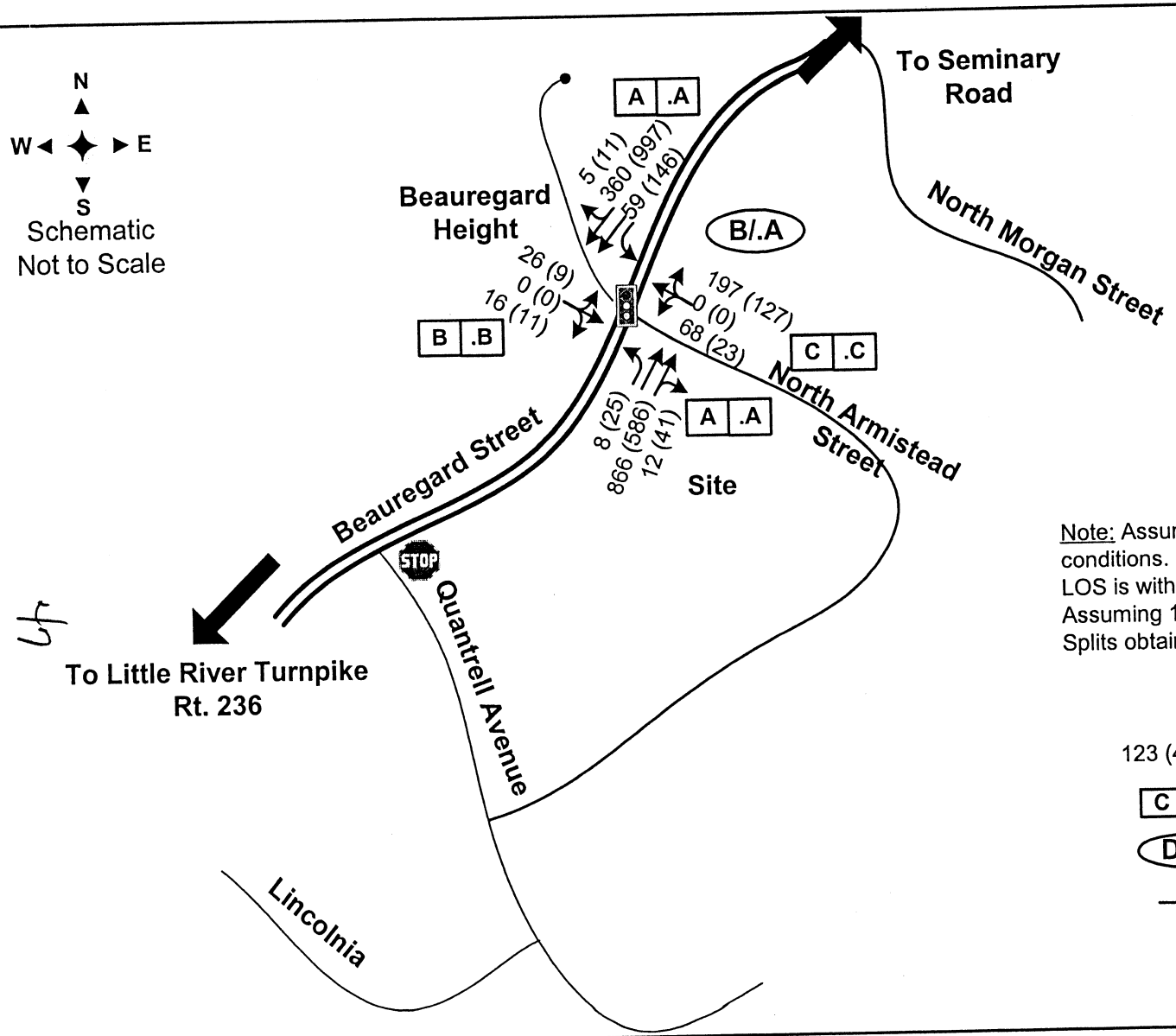
Levels of service can be seen in Table 7 along with total delay for each approach. The roadway continues to operate at acceptable LOS in the build-out condition with the addition of the dwelling units. Also, the intersection operates at LOS 'B' or better overall during both peak hours. Levels of service can also be seen in Figure 4. HCS worksheets for total 2006 conditions with the site can be found in Appendix C. As calculated in the background conditions, the signal phase timings have been changed from the existing signal timings, to optimize overall delay. As in the case of the background conditions, overall cycle lengths and splits are unchanged, and mainline LOS on North Beauregard has overall delays of less than 10 seconds, at LOS "A". The optimization adds time to the side street as a permitted left from 8 seconds to 16 seconds and 14 seconds during the AM and PM peak periods respectively, which results in a LOS "C" for the North Armistead approach. The existing signal head, equipment and operations sequence is unchanged. PHR+A suggests increasing the green time for the side streets by 6-8 seconds to improve LOS while maintaining LOS "A" operations on North Beauregard Street.

TABLE 7—TOTAL (2006) INTERSECTION LEVELS OF SERVICE WITH SITE

Intersection	Movement	AM Peak LOS	AM Peak Delay	PM Peak LOS	PM Peak Delay
North Beauregard Street and North Armistead Street *Signalized*	NB	A	9.2	A	9.4
	SB	A	9.8	A	8.3
	WB	C	26.1	C	20.5
	EB	B	16.9	B	18.0
	Overall	**B**	**12.3**	**A**	**9.7**

All delay shown in seconds

North Armistead Street Property



Note: Assuming a 3% growth on NBT and SBT for future conditions.
LOS is with existing cycle lenth of 60 seconds.
Assuming 10% of westbound right turn as RTOR
Splits obtained from existing field conditions

LEGEND

123 (456)	AM/PM Peak Hour Volume
C .C	AM/PM Peak Hour Lane Group LOS
D/.F	AM/PM Intersection Group LOS
→	Lane Configuration
	Signal
STOP	Stop Sign

PHR+A

Future (2006) Total Peak Hour Traffic Conditions

Revised August 2004

FIGURE 4

FILE NO.: 13016\1-0\Graphics

Site Impacts

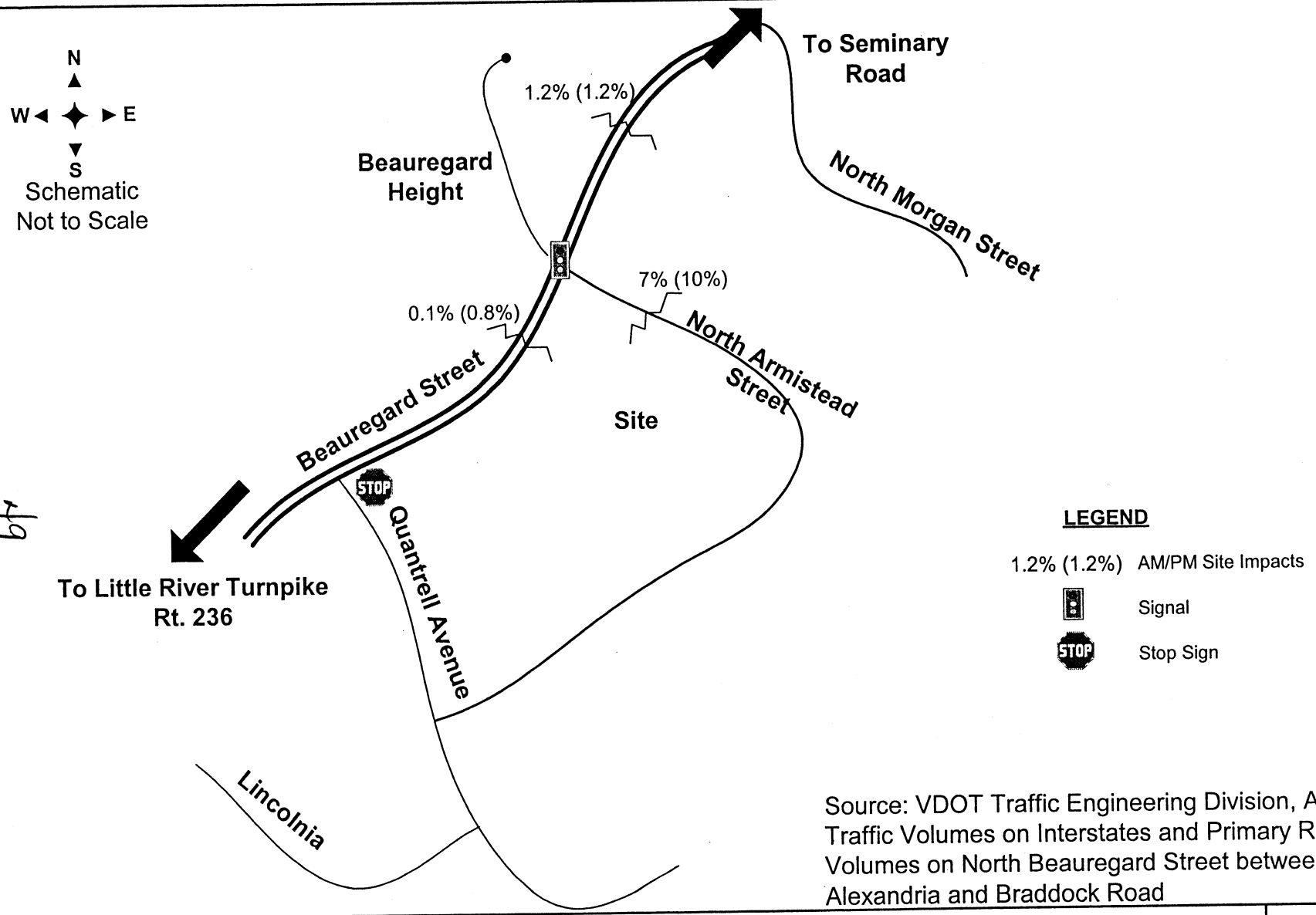
Site impacts in the study area were analyzed. Site impacts are shown in Figure 5. The daily traffic volume along North Beauregard Street is approximately 21,800 vpd between WCL Alexandria and Braddock Road with a k-factor of 0.085 in the future traffic conditions. Since the site produces more trips in the AM, the site impacts are calculated using the AM peak period trips to be conservative. Based on the link volumes, the proposed site traffic is less than one percent of the total AM peak traffic volumes adjacent to the site in the 2006 traffic condition, as shown in Table 8 below.

TABLE 8—FUTURE (2006) AM PEAK HOUR SITE IMPACTS

Intersection	Movement	Total Site	Total 2006 Traffic W/Site	Site Impacts
North Beauregard Street and North Armistead Street(*)	North Armistead Street – East Link	19	265	7.2%
	North Beauregard Street – North Link	1	886	0.1%
	North Beauregard Street – South Link	5	424	1.2%
	Total Intersection	**25**	**1,575**	**1.6%**

(*) 10% of the site traffic is assumed to go through EB Armistead Street to Quantrell Avenue

North Armistead Street Property



Source: VDOT Traffic Engineering Division, Average Daily Traffic Volumes on Interstates and Primary Routes. Volumes on North Beauregard Street between WCL Alexandria and Braddock Road

PHR+A

Site Impacts

Revised August 2004

FIGURE 5

FILE NO.: 13016\1-0\Graphics

CONCLUSIONS

The addition of the proposed townhouse dwelling units at the North Armistead intersection with North Beauregard Street in the City of Alexandria, Virginia, will not require any changes to the surrounding roadway network for the network to operate efficiently. However, the signal phase timings should be optimized to obtain acceptable levels of service at each approach of this intersection. The change in timing is required for existing conditions to reduce delay from the side street (North Armistead Street westbound approach), which experiences LOS "F" delay for the morning peak hour turning to North Beauregard Street. However, as mentioned in "Total 2006 Levels of Service" section of this report, with change in phase timings, the North Armistead street approach operates at acceptable levels of service (LOS= "C") during both AM and PM peak periods. The signal timing changes are suggested for implementation by the City, with or without the site to address the existing level of service deficiencies, while maintaining LOS "A" on North Beauregard Street.

The addition of the dwelling units at the subject site does not affect the total traffic in the surrounding roadway significantly during the AM and PM peak hours. Site impacts for both peak hours can be seen in Figure 5. **Site impacts for all approaches are less than 15 percent.** This intersection has an approach below capacity without the build-out of the proposed site, the site accounts for a much lower percentage of traffic and therefore does not necessitate any major changes.

Additionally, the proposed uses as townhouses generate less trips than the development of the site under the by-right conditions with 102 multi-family residential units. **The proposed development reduces site trip generation by approximately 45 percent.** Daily site traffic as proposed with approximately 365 trips with 42 townhouses.

Currently, during the AM peak hour at the subject intersection, the westbound approach of North Armistead Street fails. However, this can be solved by changing the phase timings. Moreover, as mentioned earlier in the report, the existing cycle length of 60 seconds can accommodate existing traffic, growth, and site development. In its current state and in two years even with the development of the site, this intersection does not need any improvements to improve capacity. Therefore PHR+A, does not anticipate the need for either new signal heads or new lane requirements at the subject intersection with the build-out of Beauregard Armistead Townes. However, a change in the phase timings is suggested for implementation by the City, for all approaches to work efficiently, to address existing delays without the subject site. No new signal equipment or improvements are suggested.

Therefore, the proposed development can be accommodated with the existing roadway network, with overall Level of Service at LOS "C" or better during the peak hours with site development.

p:\project\13016\1-0\report_final(revised August20th).doc

Appendix for
A Traffic Impact Analysis of

Beauregard Armistead Townes

located in the

City of Alexandria, Virginia

prepared for

Stanley Martin Companies
1881 Campus Commons Drive
Suite 101
Reston, Virginia 20191-1520

prepared by

Patton Harris Rust & Associates, pc
14532 Lee Road
Chantilly, Virginia 20151-1679

July 23, 2004
Revised August 24, 2004

LIST OF APPENDICES

A. **Existing (2004) Traffic Volumes**

B. **Background (2006) Traffic Levels of Service – HCS Worksheets**

C. **Future (2006) Traffic Levels of Service – HCS Worksheets**

APPENDIX A

Existing (2004) Traffic Volumes

PHR+A TRAFFIC COUNT SUMMARY

North Armistead 13016-1-0

E/W Street: Armistead Street N
N/S Street: Beauregard Street
Location: City of Alexandria

Source: PHR+A
Date: Tuesday, June 7, 2004
Name: Dilip Malave

AM Peak Hour 15 Minute Traffic Volumes

	Beauregard Street Northbound				Beauregard Street Southbound				Armistead Street N Eastbound (Exit)				Armistead Street N Westbound (Entrance)				Intersection
	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Total
7:00 - 7:15 AM	1	148	5	154	8	49	0	57	4	0	4	8	5	0	22	27	246
7:15 - 7:30 AM	3	278	3	284	15	87	0	102	14	0	4	18	24	0	63	87	491
7:30 - 7:45 AM	1	216	2	219	11	75	2	88	3	0	1	4	9	0	43	52	363
7:45 - 8:00 AM	2	199	5	206	17	107	2	126	5	0	6	11	20	0	47	67	410
8:00 - 8:15 AM	3	123	1	127	11	70	1	82	4	0	5	9	10	0	31	41	259
8:15 - 8:30 AM	0	195	9	204	21	129	2	152	6	0	5	11	13	0	46	59	426
8:30 - 8:45 AM	1	175	5	181	14	66	1	81	6	0	2	8	5	0	19	24	294
8:45 - 9:00 AM	2	153	0	155	13	93	0	106	4	0	2	6	13	0	27	40	307
AM Peak 15 Minute Traffic Volume																	
7:15 - 7:30 AM	3	278	3	284	15	87	0	102	14	0	4	18	24	0	63	87	491

AM Hourly Traffic Volumes

	Beauregard Street Northbound				Beauregard Street Southbound				Armistead Street N Eastbound				Armistead Street N Westbound				Intersection
	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Total
7:00 - 8:00 AM	7	841	15	863	51	318	4	373	26	0	15	41	58	0	175	233	1,510
7:15 - 8:15 AM	9	816	11	836	54	339	5	398	26	0	16	42	63	0	184	247	1,523
7:30 - 8:30 AM	6	733	17	756	60	381	7	448	18	0	17	35	52	0	167	219	1,458
7:45 - 8:45 AM	6	692	20	718	63	372	6	441	21	0	18	39	48	0	143	191	1,389
8:00 - 9:00 AM	6	646	15	667	59	358	4	421	20	0	14	34	41	0	123	164	1,286
AM Peak Hour Traffic Volume																	
7:15 - 8:15 AM	**9**	**816**	**11**	**836**	**54**	**339**	**5**	**398**	**26**	**0**	**16**	**42**	**63**	**0**	**184**	**247**	**1,523**
AM Peak Hour Factors				***0.74***				***0.79***				***0.58***				***0.71***	***0.78***

PHR+A TRAFFIC COUNT SUMMARY

North Armistead 13016-1-0

E/W Street: Armistead Street N
N/S Street: Beauregard Street
Location: City of Alexandria

Source: PHR+A
Date: Tuesday, June 8, 2004
Name: Dilip Malave

AM Peak Hour 15 Minute Traffic Volumes

	Beauregard Street Northbound				Beauregard Street Southbound				Armistead Street N Eastbound (Exit)				Armistead Street N Westbound (Entrance)				Intersection
	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Total
4:00 - 4:15 PM	4	92	8	104	20	158	2	180	0	0	2	2	16	0	13	29	315
4:15 - 4:30 PM	3	125	15	143	33	190	5	228	1	0	1	2	5	0	19	24	397
4:30 - 4:45 PM	3	135	8	146	26	169	3	198	4	0	2	6	6	0	16	22	372
4:45 - 5:00 PM	5	134	9	148	26	222	0	248	2	0	2	4	7	0	19	26	426
5:00 - 5:15 PM	8	140	13	161	38	251	4	293	1	0	3	4	1	0	35	36	494
5:15 - 5:30 PM	3	126	10	139	36	219	3	258	4	0	5	9	5	0	38	43	449
5:30 - 5:45 PM	9	152	4	165	33	248	4	285	2	0	1	3	6	0	25	31	484
5:45 - 6:00 PM	8	105	6	119	32	217	3	252	2	0	0	2	6	0	21	27	400
AM Peak 15 Minute Traffic Volume																	
5:00 - 5:15 PM	8	140	13	161	38	251	4	293	1	0	3	4	1	0	35	36	494

AM Hourly Traffic Volumes

	Beauregard Street Northbound				Beauregard Street Southbound				Armistead Street N Eastbound				Armistead Street N Westbound				Intersection
	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Left	Thru	Right	Total	Total
4:00 - 5:00 PM	15	486	40	541	105	739	10	854	7	0	7	14	34	0	67	101	1,510
4:15 - 5:15 PM	19	534	45	598	123	832	12	967	8	0	8	16	19	0	89	108	1,689
4:30 - 5:30 PM	19	535	40	594	126	861	10	997	11	0	12	23	19	0	108	127	1,741
4:45 - 5:45 PM	25	552	36	613	133	940	11	1,084	9	0	11	20	19	0	117	136	1,853
5:00 - 6:00 PM	28	523	33	584	139	935	14	1,088	9	0	9	18	18	0	119	137	1,827
AM Peak Hour Traffic Volume																	
4:45 - 5:45 PM	**25**	**552**	**36**	**613**	**133**	**940**	**11**	**1,084**	**9**	**0**	**11**	**20**	**19**	**0**	**117**	**136**	**1,853**
AM Peak Hour Factors				***0.93***				***0.92***				***0.56***				***0.79***	***0.94***

SHORT REPORT

General Information		Site Information	
Analyst	DM	Intersection	Beauregard St/ Armistead St
Agency or Co.	PHR+A	Area Type	All other areas
Date Performed	6/8/2004	Jurisdiction	City of Alexandria
Time Period	AM Existing	Analysis Year	2004 (Existing)

Volume and Timing Input

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	1	0	0	1	0	1	2	0	1	2	0
Lane group		LTR			LTR		L	TR		L	TR	
Volume (vph)	26	0	16	63	0	184	9	816	11	54	339	5
% Heavy veh	0	0	0	0	0	0	0	0	0	0	0	0
PHF	0.58	0.58	0.58	0.71	0.71	0.71	0.74	0.74	0.74	0.79	0.79	0.79
Actuated (P/A)	A	A	A	A	A	A	A	A	A	A	A	A
Startup lost time		2.0			2.0		2.0	2.0		2.0	2.0	
Ext. eff. green		2.0			2.0		2.0	2.0		2.0	2.0	
Arrival type		3			3		3	3		3	3	
Unit Extension		3.0			3.0		3.0	3.0		3.0	3.0	
Ped/Bike/RTOR Volume	0		0	0		20	0		0	0		0
Lane Width		12.0			12.0		12.0	12.0		12.0	12.0	
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr		0			0		0	0		0	0	
Unit Extension		3.0			3.0		3.0	3.0		3.0	3.0	

Phasing	EW Perm	02	03	04	NB Only	NS Perm	07	08
Timing	G = 8.0	G =	G =	G =	G = 4.0	G = 36.0	G =	G =
	Y = 6	Y =	Y =	Y =	Y = 0	Y = 6	Y =	Y =
Duration of Analysis (hrs) = 0.25						Cycle Length C = 60.0		

Lane Group Capacity, Control Delay, and LOS Determination

	EB			WB			NB			SB		
Adj. flow rate		73			320		12	1118		68	435	
Lane group cap.		160			201		594	2402		290	2162	
v/c ratio		0.46			1.59		0.02	0.47		0.23	0.20	
Green ratio		0.13			0.13		0.67	0.67		0.60	0.60	
Unif. delay d1		24.0			26.0		3.7	4.8		5.6	5.5	
Delay factor k		0.11			0.50		0.11	0.11		0.11	0.11	
Increm. delay d2		2.1			288.6		0.0	0.1		0.4	0.0	
PF factor		1.000			1.000		1.000	1.000		1.000	1.000	
Control delay		26.1			314.6		3.7	5.0		6.0	5.5	
Lane group LOS		C			F		A	A		A	A	
Apprch. delay	26.1			314.6			5.0			5.6		
Approach LOS	C			F			A			A		
Intersec. delay	54.8			Intersection LOS						D		

SHORT REPORT

General Information		Site Information	
Analyst	DM	Intersection	Beauregard St/ Armistead St
Agency or Co.	PHR+A	Area Type	All other areas
Date Performed	6/8/2004	Jurisdiction	City of Alexandria
Time Period	PM Existing	Analysis Year	2004 (Existing)

Volume and Timing Input

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	1	0	0	1	0	1	2	0	1	2	0
Lane group		LTR			LTR		L	TR		L	TR	
Volume (vph)	9	0	11	19	0	117	25	552	36	133	942	11
% Heavy veh	0	0	0	0	0	0	0	0	0	0	0	0
PHF	0.56	0.56	0.56	0.79	0.79	0.79	0.93	0.93	0.93	0.92	0.92	0.92
Actuated (P/A)	A	A	A	A	A	A	A	A	A	A	A	A
Startup lost time		2.0			2.0		2.0	2.0		2.0	2.0	
Ext. eff. green		2.0			2.0		2.0	2.0		2.0	2.0	
Arrival type		3			3		3	3		3	3	
Unit Extension		3.0			3.0		3.0	3.0		3.0	3.0	
Ped/Bike/RTOR Volume	0		0	0		10	0		0	0		0
Lane Width		12.0			12.0		12.0	12.0		12.0	12.0	
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr		0			0		0	0		0	0	
Unit Extension		3.0			3.0		3.0	3.0		3.0	3.0	

Phasing	EW Perm	02	03	04	SB Only	NS Perm	07	08
Timing	G = 8.0	G =	G =	G =	G = 4.0	G = 36.0	G =	G =
	Y = 6	Y =	Y =	Y =	Y = 0	Y = 6	Y =	Y =
Duration of Analysis (hrs) = 0.25						Cycle Length C = 60.0		

Lane Group Capacity, Control Delay, and LOS Determination

	EB			WB			NB			SB		
Adj. flow rate		36			159		27	633		145	1036	
Lane group cap.		189			211		315	2146		511	2403	
v/c ratio		0.19			0.75		0.09	0.29		0.28	0.43	
Green ratio		0.13			0.13		0.60	0.60		0.67	0.67	
Unif. delay d1		23.1			25.1		5.1	5.8		4.0	4.7	
Delay factor k		0.11			0.31		0.11	0.11		0.11	0.11	
Increm. delay d2		0.5			14.2		0.1	0.1		0.3	0.1	
PF factor		1.000			1.000		1.000	1.000		1.000	1.000	
Control delay		23.6			39.3		5.2	5.9		4.3	4.8	
Lane group LOS		C			D		A	A		A	A	
Apprch. delay	23.6			39.3			5.9			4.7		
Approach LOS	C			D			A			A		
Intersec. delay	8.1			Intersection LOS						A		

APPENDIX B

Background (2006) Peak Hour Traffic Levels of Service – HCS Worksheets

SHORT REPORT

General Information		Site Information	
Analyst	DM	Intersection	N Armistead _ N Beauregard
Agency or Co.	PHR+A	Area Type	All other areas
Date Performed	7/23/2004	Jurisdiction	Alexandria
Time Period	AM 2006	Analysis Year	BG

Volume and Timing Input

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	1	0	0	1	0	1	2	0	1	2	0
Lane group		LTR			LTR		L	TR		L	TR	
Volume (vph)	26	0	16	63	0	184	8	866	11	54	353	5
% Heavy veh	0	0	0	0	0	0	0	0	0	0	0	0
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Actuated (P/A)	A	A	A	A	A	A	A	A	A	A	A	A
Startup lost time		2.0			2.0		2.0	2.0		2.0	2.0	
Ext. eff. green		2.0			2.0		2.0	2.0		2.0	2.0	
Arrival type		3			3		3	3		3	3	
Unit Extension		3.0			3.0		3.0	3.0		3.0	3.0	
Ped/Bike/RTOR Volume	0		0	0		0	0		0	0		0
Lane Width		12.0			12.0		12.0	12.0		12.0	12.0	
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr		0			0		0	0		0	0	
Unit Extension		3.0			3.0		3.0	3.0		3.0	3.0	

Phasing	EW Perm	02	03	04	NB Only	NS Perm	07	08
Timing	G = 16.0	G =	G =	G =	G = 4.0	G = 28.0	G =	G =
	Y = 6	Y =	Y =	Y =	Y = 0	Y = 6	Y =	Y =
Duration of Analysis (hrs) = 0.25						Cycle Length C = 60.0		

Lane Group Capacity, Control Delay, and LOS Determination

	EB			WB			NB			SB		
Adj. flow rate		47			274		9	974		60	398	
Lane group cap.		371			410		480	1922		250	1681	
v/c ratio		0.13			0.67		0.02	0.51		0.24	0.24	
Green ratio		0.27			0.27		0.53	0.53		0.47	0.47	
Unif. delay d1		16.7			19.6		6.9	9.0		9.6	9.6	
Delay factor k		0.11			0.24		0.11	0.12		0.11	0.11	
Increm. delay d2		0.2			4.2		0.0	0.2		0.5	0.1	
PF factor		1.000			1.000		1.000	1.000		1.000	1.000	
Control delay		16.9			23.8		6.9	9.2		10.1	9.7	
Lane group LOS		B			C		A	A		B	A	
Apprch. delay	16.9			23.8			9.2			9.7		
Approach LOS	B			C			A			A		
Intersec. delay	11.8			Intersection LOS						B		

SHORT REPORT

General Information		Site Information	
Analyst	DM	Intersection	N Armistead _ N Beauregard
Agency or Co.	PHR+A	Area Type	All other areas
Date Performed	7/23/2004	Jurisdiction	Alexandria
Time Period	PM 2006	Analysis Year	BG

Volume and Timing Input

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	1	0	0	1	0	1	2	0	1	2	0
Lane group		LTR			LTR		L	TR		L	TR	
Volume (vph)	9	0	11	19	0	117	25	866	36	133	997	11
% Heavy veh	0	0	0	0	0	0	0	0	0	0	0	0
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Actuated (P/A)	A	A	A	A	A	A	A	A	A	A	A	A
Startup lost time		2.0			2.0		2.0	2.0		2.0	2.0	
Ext. eff. green		2.0			2.0		2.0	2.0		2.0	2.0	
Arrival type		3			3		3	3		3	3	
Unit Extension		3.0			3.0		3.0	3.0		3.0	3.0	
Ped/Bike/RTOR Volume	0		0	0		0	0		0	0		0
Lane Width		12.0			12.0		12.0	12.0		12.0	12.0	
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr		0			0		0	0		0	0	
Unit Extension		3.0			3.0		3.0	3.0		3.0	3.0	

Phasing	EW Perm	02	03	04	SB Only	NS Perm	07	08
Timing	G = 14.0	G =	G =	G =	G = 4.0	G = 30.0	G =	G =
	Y = 6	Y =	Y =	Y =	Y = 0	Y = 6	Y =	Y =
Duration of Analysis (hrs) = 0.25						Cycle Length C = 60.0		

Lane Group Capacity, Control Delay, and LOS Determination

	EB			WB			NB			SB		
Adj. flow rate		22			151		28	1002		148	1120	
Lane group cap.		350			375		220	1794		279	2042	
v/c ratio		0.06			0.40		0.13	0.56		0.53	0.55	
Green ratio		0.23			0.23		0.50	0.50		0.57	0.57	
Unif. delay d1		17.9			19.5		8.0	10.4		7.9	8.2	
Delay factor k		0.11			0.11		0.11	0.16		0.13	0.15	
Increm. delay d2		0.1			0.7		0.3	0.4		1.9	0.3	
PF factor		1.000			1.000		1.000	1.000		1.000	1.000	
Control delay		18.0			20.2		8.3	10.8		9.8	8.5	
Lane group LOS		B			C		A	B		A	A	
Apprch. delay	18.0			20.2			10.7			8.6		
Approach LOS	B			C			B			A		
Intersec. delay	10.3			Intersection LOS						B		

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APPENDIX C

Future (2004) Peak Hour Traffic Levels of Service – HCS Worksheets

SHORT REPORT

General Information		Site Information	
Analyst	DM	Intersection	N Armistead _ N Beauregard
Agency or Co.	PHR+A	Area Type	All other areas
Date Performed	7/23/2004	Jurisdiction	Alexandria
Time Period	AM 2006	Analysis Year	2006

Volume and Timing Input

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	1	0	0	1	0	1	2	0	1	2	0
Lane group		LTR			LTR		L	TR		L	TR	
Volume (vph)	26	0	16	68	0	197	8	866	12	59	353	5
% Heavy veh	0	0	0	0	0	0	0	0	0	0	0	0
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Actuated (P/A)	A	A	A	A	A	A	A	A	A	A	A	A
Startup lost time		2.0			2.0		2.0	2.0		2.0	2.0	
Ext. eff. green		2.0			2.0		2.0	2.0		2.0	2.0	
Arrival type		3			3		3	3		3	3	
Unit Extension		3.0			3.0		3.0	3.0		3.0	3.0	
Ped/Bike/RTOR Volume	0		0	0		0	0		0	0		0
Lane Width		12.0			12.0		12.0	12.0		12.0	12.0	
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr		0			0		0	0		0	0	
Unit Extension		3.0			3.0		3.0	3.0		3.0	3.0	

Phasing	EW Perm	02	03	04	NB Only	NS Perm	07	08
Timing	G = 16.0	G =	G =	G =	G = 4.0	G = 28.0	G =	G =
	Y = 6	Y =	Y =	Y =	Y = 0	Y = 6	Y =	Y =
Duration of Analysis (hrs) = 0.25						Cycle Length C = 60.0		

Lane Group Capacity, Control Delay, and LOS Determination

	EB			WB			NB			SB		
Adj. flow rate		47			295		9	975		66	398	
Lane group cap.		363			409		480	1922		250	1681	
v/c ratio		0.13			0.72		0.02	0.51		0.26	0.24	
Green ratio		0.27			0.27		0.53	0.53		0.47	0.47	
Unif. delay d1		16.7			20.0		6.9	9.0		9.7	9.6	
Delay factor k		0.11			0.28		0.11	0.12		0.11	0.11	
Increm. delay d2		0.2			6.1		0.0	0.2		0.6	0.1	
PF factor		1.000			1.000		1.000	1.000		1.000	1.000	
Control delay		16.9			26.1		6.9	9.2		10.3	9.7	
Lane group LOS		B			C		A	A		B	A	
Apprch. delay	16.9			26.1			9.2			9.8		
Approach LOS	B			C			A			A		
Intersec. delay	12.3			Intersection LOS						B		

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SHORT REPORT

General Information		Site Information	
Analyst	DM	Intersection	N Armistead _ N Beauregard
Agency or Co.	PHR+A	Area Type	All other areas
Date Performed	7/23/2004	Jurisdiction	Alexandria
Time Period	PM 2006	Analysis Year	2006

Volume and Timing Input

	EB			WB			NB			SB		
	LT	TH	RT	LT	TH	RT	LT	TH	RT	LT	TH	RT
Num. of Lanes	0	1	0	0	1	0	1	2	0	1	2	0
Lane group		LTR			LTR		L	TR		L	TR	
Volume (vph)	9	0	11	23	0	127	25	586	41	146	978	11
% Heavy veh	0	0	0	0	0	0	0	0	0	0	0	0
PHF	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90	0.90
Actuated (P/A)	A	A	A	A	A	A	A	A	A	A	A	A
Startup lost time		2.0			2.0		2.0	2.0		2.0	2.0	
Ext. eff. green		2.0			2.0		2.0	2.0		2.0	2.0	
Arrival type		3			3		3	3		3	3	
Unit Extension		3.0			3.0		3.0	3.0		3.0	3.0	
Ped/Bike/RTOR Volume	0		0	0		0	0		0	0		0
Lane Width		12.0			12.0		12.0	12.0		12.0	12.0	
Parking/Grade/Parking	N	0	N	N	0	N	N	0	N	N	0	N
Parking/hr												
Bus stops/hr		0			0		0	0		0	0	
Unit Extension		3.0			3.0		3.0	3.0		3.0	3.0	

Phasing	EW Perm	02	03	04	SB Only	NS Perm	07	08
Timing	G = 14.0	G =	G =	G =	G = 4.0	G = 30.0	G =	G =
	Y = 6	Y =	Y =	Y =	Y = 0	Y = 6	Y =	Y =
Duration of Analysis (hrs) = 0.25						Cycle Length C = 60.0		

Lane Group Capacity, Control Delay, and LOS Determination

	EB			WB			NB			SB		
Adj. flow rate		22			167		28	697		162	1099	
Lane group cap.		348			373		228	1787		394	2042	
v/c ratio		0.06			0.45		0.12	0.39		0.41	0.54	
Green ratio		0.23			0.23		0.50	0.50		0.57	0.57	
Unif. delay d1		17.9			19.7		8.0	9.3		6.8	8.1	
Delay factor k		0.11			0.11		0.11	0.11		0.11	0.14	
Increm. delay d2		0.1			0.9		0.2	0.1		0.7	0.3	
PF factor		1.000			1.000		1.000	1.000		1.000	1.000	
Control delay		18.0			20.5		8.2	9.5		7.5	8.4	
Lane group LOS		B			C		A	A		A	A	
Apprch. delay	18.0			20.5			9.4			8.3		
Approach LOS	B			C			A			A		
Intersec. delay	9.7			Intersection LOS						A		

EXHIBIT NO. 2

8

3-12-05

WALSH COLUCCI
LUBELEY EMRICH
& TERPAK PC

M. Catharine Puskar
(703) 528-4700 Ext. 13
cpuskar@arl.thelandlawyers.com

January 21, 2005

Jackie M. Henderson
City Clerk & Clerk of Council
City Hall
301 King Street, Room 2300
Alexandria, VA 22314

Re: Stanley Martin Companies, Inc.

Dear Ms. Henderson:

Enclosed you will please find the Applicant's Appeal for SP #2004-0018.

If you have any questions, please do not hesitate to contact me.

Very truly yours,

WALSH, COLUCCI, LUBELEY, EMRICH & TERPAK, P.C.

M Catharine Puskar

M. Catharine Puskar

MCP/rmc

Enclosure

APPEAL OF STANLEY MARTIN COMPANIES, INC.
TO CITY COUNCIL OF
THE CITY OF ALEXANDRIA

Pursuant to Section 11-11-409(C), Stanley Martin Companies, Inc., (the "Applicant") hereby appeals the Planning Commission's decision to require the removal of three additional units from the proposed site plan (Development Site Plan #2004-0018) for development of 41 multifamily units at 520 N. Armistead Street (the "Property") as arbitrary and contrary to both the law and prior practice and procedure in the City of Alexandria. Furthermore, pursuant to Section 11-409(C), the issues on appeal shall be limited to the grounds identified herein.

In the way of background, in December, 2003, the Applicant attended a required conceptual review meeting with the City to discuss its proposed concept for redevelopment of the Property. As a follow-up to that meeting and prior to expending any additional funds pursuing development of the Property, the Applicant specifically requested, and obtained, confirmation from Planning & Zoning staff that "townhouse-style condominium units" (as staff termed them) were permitted pursuant to the Zoning Ordinance as a multifamily development subject to the multifamily provisions of the Zoning Ordinance.

In reliance on that interpretation, and as further evidenced by prior staff reports and approvals by the Planning Commission of "townhouse-style condominium units" pursuant to the multifamily requirements of the Ordinance, (including, among many others, such recent cases as DSP #2002-0021 (Fairchild Site), DSP #2001-0001 (Old Colony Site) and DSP #2002-0032 (Quaker View)), the Applicant proceeded to develop its proposed site plan for development of the Property pursuant to the by-right

multifamily provisions of the RA zone.

After four additional meetings with staff between April and July, 2004, the Applicant submitted a preliminary site plan application (the "Application") on July 23, 2004 for the development of 42 multifamily units on the Property. It is worth noting that the provisions in the RA zone would permit up to 102 units by-right on the Property.

Staff processed the Application and scheduled it for public hearing before the Planning Commission on December 7, 2004. Due to a lengthy docket and the lateness of the hour, on December 7, 2004, the Planning Commission deferred the Application without a hearing to the January 6, 2005 public hearing and instructed the Applicant and Staff to spend the next month attempting to reach resolution on outstanding issues identified in the staff report.

Although the Applicant contends that the original Application with 42 units is entirely consistent with the zoning and site plan regulations, in good faith and in a spirit of compromise, the Applicant worked with staff to revise the Application and conditions to achieve a site plan that both parties agreed met the site plan requirements as set forth in the Zoning Ordinance. In so doing, the Applicant agreed to redesign the project, agreed to reduce the number of units to 41 and agreed to conditions accompanying that 41 unit plan that cannot be required absent the agreement of the Applicant.

At the January 6, 2005 hearing, Planning & Zoning staff confirmed that the revised Application met the site plan requirements and recommended approval of the 41 unit site plan, with the conditions as amended and agreed to by Staff and the Applicant. The Planning Commission, by a vote of 6 to 1 approved the Application with a further

revision to conditions #1 and #6 requiring the loss of three additional units and associated parking. There was no legal basis for such a revision.

The only rationale stated for the Commission's decision to remove three additional units, as set forth on the record by Planning Commissioners at the public hearing, was conflicting advice from the City Attorney regarding his opinion as to the characterization of the proposed development and whether the Commission could approve the plan based on that characterization. Upon questioning by one Commissioner, the City Attorney indicated that, despite the Zoning Director's past interpretations and stated interpretation on the record to the contrary, it was his belief that the project qualified as a townhouse project, not a multifamily project, and therefore, the Application could not be approved as a matter of law, because it did not meet the legal requirements of the Zoning Ordinance for townhouses. However, after further questioning by the Commissioners, the City Attorney stated that he was not saying that the Commission did not have the authority to approve the plan. As a result, the Commission voted 6-1 to take a "Solomon-like" approach and approve the project with the requirement that the Applicant lose three additional units for a total of 38 units.

The advice given by the City Attorney to the Planning Commission that the project did not qualify as a multifamily project is inconsistent with the Zoning Ordinance definitions of townhouse dwellings and multifamily dwellings, and it was contrary to the consistent and long-standing interpretation of the Zoning Ordinance by those officials charged with interpreting and applying it.

Zoning Ordinance § 2-137 defines a multifamily dwelling project as "A building

or portion thereof containing three or more dwelling units, located on a single lot or parcel of ground." A townhouse dwelling project is defined as "One of a series of three or more attached dwelling units separated from one another by continuous vertical party walls without openings from basement to roof or roofs". (Z.O. § 2-138).

The proposed project is a multifamily dwelling project because it meets the precise words of the Zoning Ordinance: there are "three or more dwelling units" and all of the units are to be "located on a single lot or parcel of ground." The proposed development may, or may not, satisfy the townhouse criteria, because it is possible to construct the units without a party wall extending to the roof. This could be accomplished by a number of architectural designs, such as offsetting attic storage space from the lower levels. However, even if attic storage space is not offset, one must conclude that, based on the definition and the long standing interpretation discussed below, the proposed project meets the multifamily criteria and should be approved for 41 dwelling units.

It is important to note that there is a substantial difference in the development that is likely to occur, which would be obvious to anyone viewing the development, when a multifamily development is constructed rather than when a townhouse development on individual lots for each dwelling is constructed. The open space requirement in the RA/Multiple family zone states that "each lot occupied by a dwelling unit shall provide a minimum of 800 square feet." As such, in a multifamily development constructed on one lot, the requirement of 800 square feet per dwelling unit can be achieved by providing common open space because all of the units will be located on one lot. For townhouses, the 800 square feet of open space per dwelling unit must be provided on each individual

townhouse lot. Common open space enables the project to have greater buffers and setbacks than could be provided when townhouses on individual lots are constructed. Clearly, as represented in this Application, a multifamily development with common open space will result in a different type of development than a townhouse development with open space on individual lots.

As stated above, the Director of Planning & Zoning, as the official charged with interpreting and applying the Zoning Ordinance, has interpreted the Zoning Ordinance to permit "townhouse-style condominiums" to be developed pursuant to the multifamily provisions of the Zoning Ordinance. The Director of Planning & Zoning has recommended approval of, and the Planning Commission has approved, projects that propose the same type of design as the subject site plan. A long-standing and consistent interpretation by public officials charged with making ordinance interpretations is entitled to great weight. Board of Zoning Appeals v. Kahhol, 255 Va. 476, 499 S.E.2d 519 (1998). Of course, when an interpretation "is so at odds with the plain language used in the ordinance as a whole, such interpretation is plainly wrong and must be reversed", Cook v. City of Falls Church, 244 Va. 107, 418 S.E.2d 879 (1992). However, notwithstanding the City Attorney's statement at the Planning Commission hearing to the contrary, the City's long standing interpretation of the Zoning Ordinance as it applies to this case is not at odds with the plain language used in the Zoning Ordinance as a whole.

The City Attorney relied on the provision of Sec. 1-400(B)(1) of the ordinance for his conclusion that states:

> "If a given use may be construed to fall within a broadly defined use in a zone as well as within a more narrowly defined use in the same or another zone, it shall be interpreted to be allowed only where the narrowly

defined use is listed."

Obviously, this provision of the Zoning Ordinance does not apply to this situation; it is intended to address the situation in which one use could be considered to be wholly within the meaning of the other use. For instance, this provision would apply where a zone permits retail by-right but requires a special use permit for an outdoor garden center, which is a more narrow subset of retail. However, when one examines the provisions relating to townhouses, whether it be lot size, lot width and frontage, yard requirements or open space, the Zoning Ordinance clearly contemplates that townhouses are located on individual lots. The definition of multifamily specifically states that the units are all located on one lot. As such, clearly this Application is a multifamily application. As to the distinction that townhouses contain units separated by continuous vertical party walls, there is no provision in the Zoning Ordinance that would preclude a multifamily dwelling from meeting that same definition. As such, it is the lot issue that controls and this is clearly a multifamily project.

The City Attorney also suggested to the Planning Commission that his initial opinion was dictated by the Virginia Code provision that prohibits local governments from treating condominiums differently than physically identical developments under a different form of ownership. Va. Code Ann. § 55-79.43. That provision was adopted to curtail the efforts of local government that discriminated against condominiums. See Natrella v. Board of Zoning Appeals, 231 Va. 451, 345 S.E.2d 295 (1986). In any event, it has no bearing on the site plan for the subject Property. The City's definition of multifamily dwellings does not treat projects differently; the proposed development of the Property could occur whether or not the Property is subjected to a condominium

regime or whether it is rental property. The proposed project qualifies as a multifamily project, not because it will be a condominium, but because it is located on one lot. Similarly, the fact that development of a project on one lot would result in a different physical development than a townhouse development (more common open space and less private open space for each individual dwelling unit) would occur whether the project was a condominium or rental project. As a result, it would be a violation of Va. Code Ann. Sec. 55-79.43 if the site plan were denied because the Property is to be subjected to a condominium regime.

The Application should be approved by the Council for 41 dwelling units. Of course, if it is deemed that the Planning Commission decision was correct, which it was not, Conditions # 13 and 26, (bus shelter and housing contribution) would not be voluntary conditions and, hence, would be invalid. These conditions were agreed to by the Applicant only in conjunction with a development if 41 dwelling units were approved. The City lacks the authority to impose the conditions in the absence of the Applicant's agreement, and, if the Approval is for less than 41 units, that agreement was based on a condition that was not satisfied.

STANLEY MARTIN COMPANIES, INC.

By: _____
Jerry K. Emrich, agent/attorney

By: _____
M. Catharine Puskar, agent/attorney

J:\STANLEY-MARTIN\452.10 N. Armistead St\appeal to CCouncil.doc

8
3-12-05

<kcannady@erols.com>

03/02/2005 04:19 PM

Please respond to
<kcannady@erols.com>

To: <alexvamayor@aol.com>, <delpepper@aol.com>, <council@joycewoodson.net>, <councilmangaines@aol.com>, <council@krupicka.com>, <macdonaldcouncil@msn.com>,

cc:

bcc:

Subject: City of Alexandria Website Contact Us - EMail for Mayor, Vice-Mayor and Council Members (alexvamayor@aol.com, delpepper@aol.com, council@joycewoodson.net, councilmangaines@aol.com, council@krupicka.com, macdonaldcouncil@msn.com, paulcsmedberg@aol.com, rose.boyd@ci.alexandria.va.us, jackie.henderson@ci.alexandria.va.us, tom.raycroft@ci.alexandria.va.us)

City of Alexandria Website Contact Us - EMail for Mayor, Vice-Mayor and Council Members (alexvamayor@aol.com, delpepper@aol.com, council@joycewoodson.net, councilmangaines@aol.com, council@krupicka.com, macdonaldcouncil@msn.com, paulcsmedberg@aol.com, rose.boyd@ci.alexandria.va.us, jackie.henderson@ci.alexandria.va.us, tom.raycroft@ci.alexandria.va.us)

Time: [Wed Mar 02, 2005 16:19:11] IP Address: [208.59.89.56]

Response requested: []

First Name:	Katy
Last Name:	Cannady
Street Address:	20 East Oak Street
City:	Alexandria
State:	VA
Zip:	22301
Phone:	703 549-9386
Email Address:	kcannady@erols.com

I will be away from Alexandria at the time of the Council public hearing on March 12th.

Therefore I am writing to you to ask you to uphold the Planning Commission decision for the site plan at the corner of North Armistead and Beauregard.

As you know, the Council has only recently adopted an open space plan. My understanding of that plan is that developers would be expected

to work with the city to preserve and enhance open space in their development plans.

The developers of the this property produced a site plan that did exactly the opposite. The plan reconfigured the property so as to maximize the number of townhouses that could be built on it without regard to the challenges presented by the topography or the many trees, almost none of which would have been preserved under the original plan.

Comments:

As part of maximizing the number of townhouses, the developer classified his units as condos although they will look and function just like any group of townhouses managed with a homeowner association. The Planning staff overlooked this obvious error.

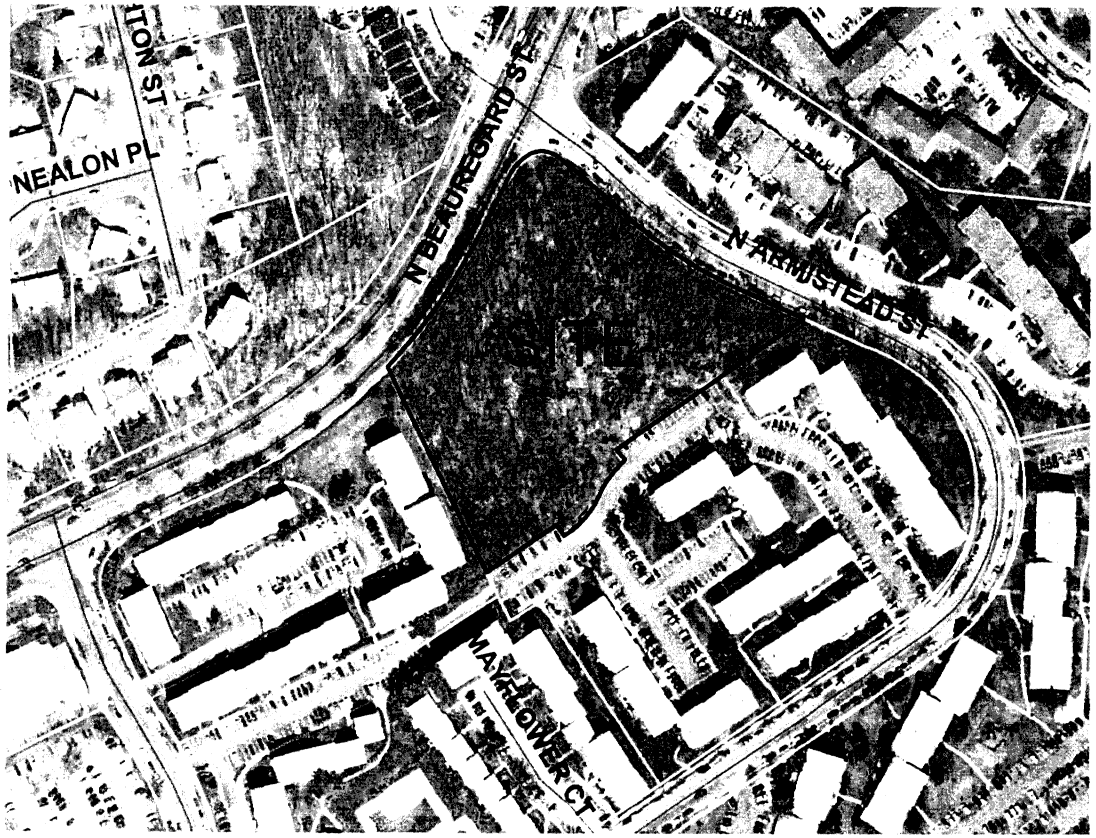
Personally I think it is unfortunate that the Planning Commission did not simply reject this plan. Instead it chose to remove four of the townhouses. Under the plan that comes to you from the Planning Commission, there will be a tree buffer along Beauregard and a little more openness within the townhouse community.

This is a good time to demonstrate to all landowners coming forward with new projects that Alexandria is sensitive to it natural environment and looking hard for green spaces and openness in all new developments. If you accept the landowner's altenative proposal for this property, you will be sending a clear signal that developers don't have to consider openness or tree preservation in their designs, but may instead always choose maximum density.

8
3-12-05

SITE:

BEAUREGARD / ARMISTEAD TOWNS
DSP #2004-0018



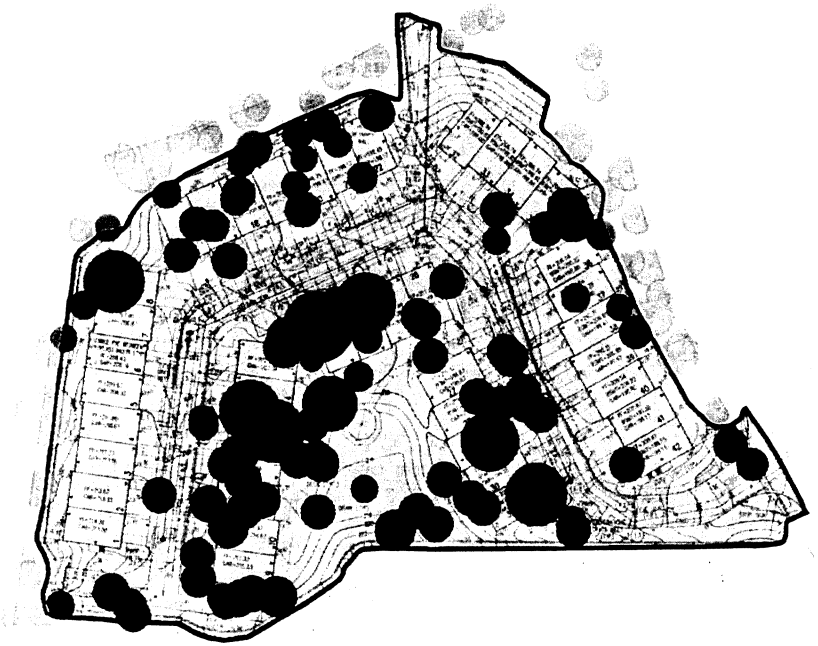
- Zoning: RA Multifamily Zone
- 3.79 acre site
- Wooded
- Steep topography

SITE CHARACTERISTICS:

BEAUREGARD / ARMISTEAD TOWNS
DSP #2004-0018

SITE DISTURBANCE:

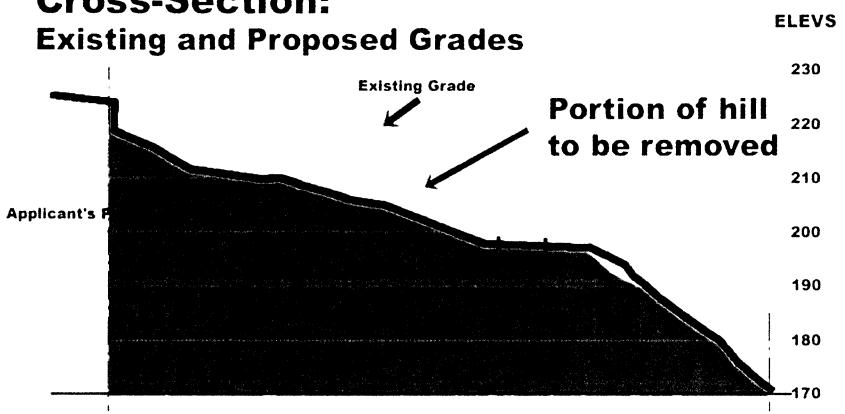
BEAUREGARD / ARMISTEAD TOWNS
DSP #2004-0018



● Tree to be removed
Tree to be saved

Graded area
Ungraded area

Cross-Section:
Existing and Proposed Grades



BACKGROUND - HISTORY:

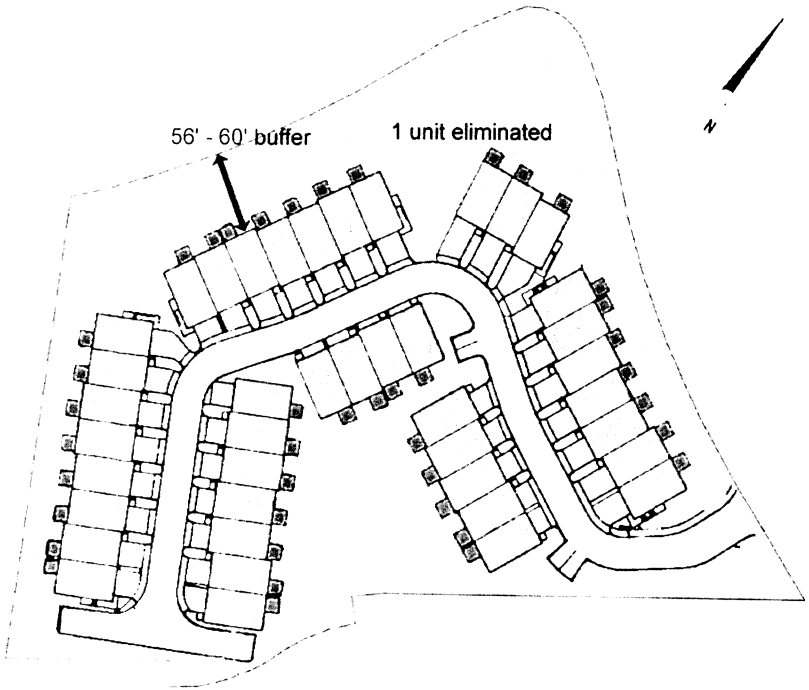
BEAUREGARD / ARMISTEAD TOWNS
DSP # 2004-0018

- December 7, 2004 Planning Commission -- Deferred
- January 6, 2005 Planning Commission – Approved with elimination of 4 units
- January 21, 2005 – Applicant appeals elimination of units to City Council

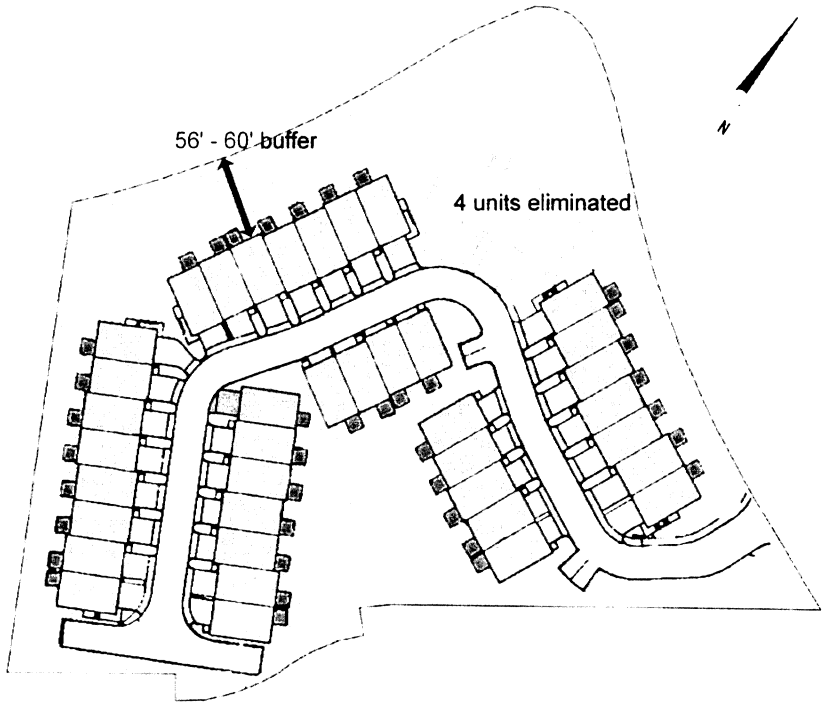
PROPOSAL:

BEAUREGARD / ARMISTEAD TOWNS
DSP #2004-0018

Applicant Proposal

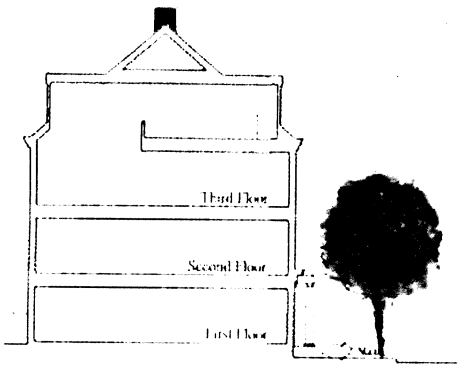


Planning Commission



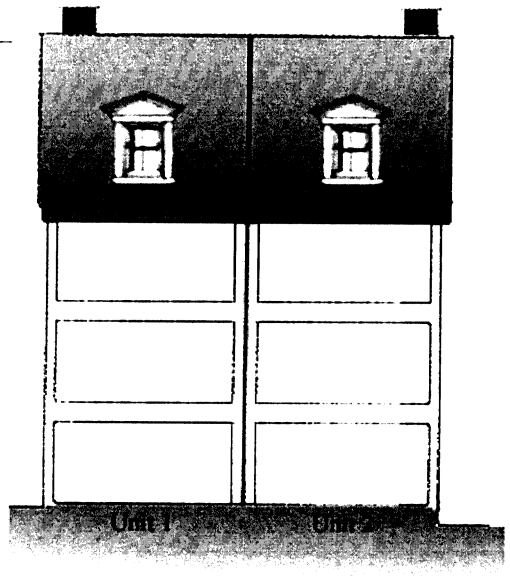
TOWNHOUSE vs. MULTIFAMILY:

BEAUREGARD / ARMISTEAD TOWNS
DSP #2004-0018



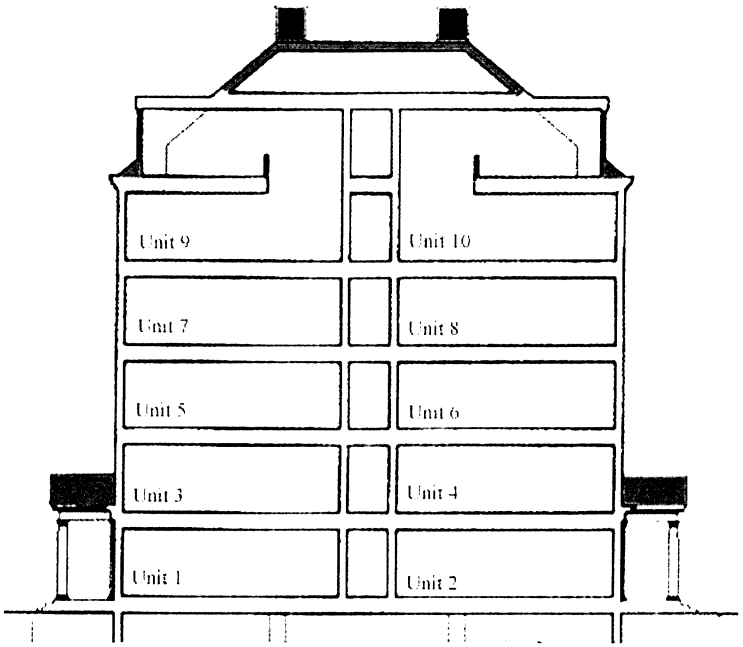
Side Cross-Section

Townhouse



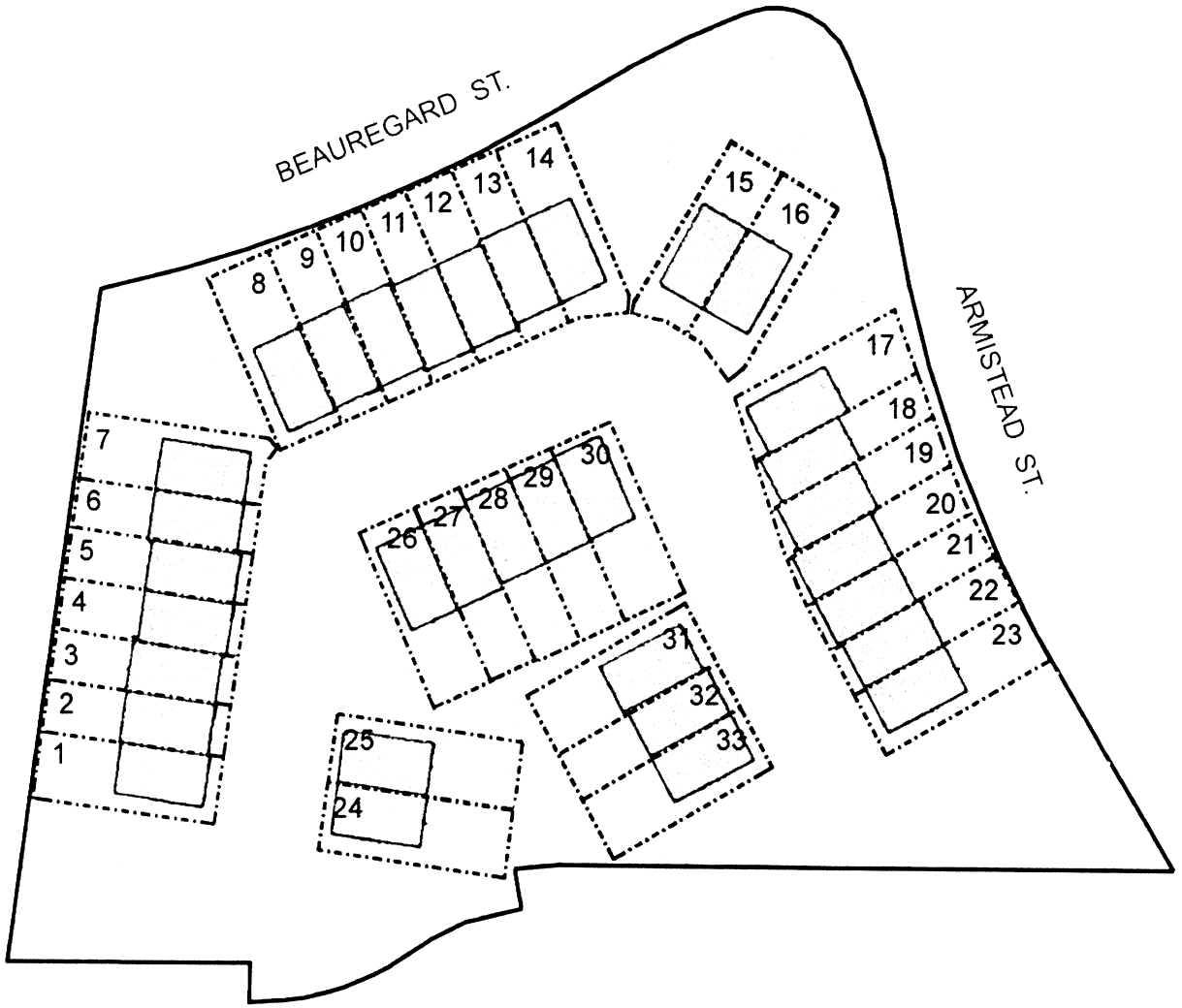
Front Cross-Section

Multi-Family



TOWNHOUSE LAYOUT:

BEAUREGARD / ARMISTEAD TOWNS
DSP #2004-0018



CITY COUNCIL ALTERNATIVES:

BEAUREGARD / ARMISTEAD TOWNS
DSP #2004-0018

- Uphold Planning Commission Decision
- Reverse or Modify Decision of Planning Commission
- Vacate Decision of Planning Commission and Remand Application to Planning Commission

SPEAKER'S FORM

DOCKET ITEM NO. 8

PLEASE COMPLETE THIS FORM AND GIVE IT TO THE CITY CLERK BEFORE YOU SPEAK ON A DOCKET ITEM

PLEASE ANNOUNCE THE INFORMATION SPECIFIED BELOW PRIOR TO SPEAKING.

1. NAME: M Catharine Puskar

2. ADDRESS: 2200 Clarendon Blvd Ste 1300 Arl, VA 22201

TELEPHONE NO. 703-528-4700 E-MAIL ADDRESS: cpuskar@arl.thelandlawyers.com

3. WHOM DO YOU REPRESENT, IF OTHER THAN YOURSELF? Stanley Martin Companies, Inc

4. WHAT IS YOUR POSITION ON THE ITEM?
FOR: X AGAINST: _____ OTHER: _____

5. NATURE OF YOUR INTEREST IN ITEM (PROPERTY OWNER, ATTORNEY, LOBBYIST, CIVIC INTEREST, ETC.):
Attorney

6. ARE YOU RECEIVING COMPENSATION FOR THIS APPEARANCE BEFORE COUNCIL?
YES X NO _____

This form shall be kept as a part of the permanent record in those instances where financial interest or compensation is indicated by the speaker.

A maximum of three minutes will be allowed for your presentation, except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard on a docket item shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation. If you have a prepared statement, please leave a copy with the Clerk.

Additional time not to exceed 15 minutes may be obtained with the consent of the majority of the council present; provided notice requesting additional time with reasons stated is filed with the City Clerk in writing before 5:00 p.m. of the day preceding the meeting.

The public normally may speak on docket items only at public hearing meetings, and not at regular legislative meetings. Public hearing meetings are usually held on the Saturday following the second Tuesday in each month; regular legislative meetings on the second and fourth Tuesdays in each month. The rule with respect to when a person may speak to a docket item at a legislative meeting can be waived by a majority vote of council members present but such a waiver is not normal practice. When a speaker is recognized, the rules of procedures for speakers at public hearing meetings shall apply. If an item is docketed *for public hearing* at a regular legislative meeting, the public may speak to that item, and the rules of procedures for speakers at public hearing meetings shall apply.

In addition, the public may speak on matters which are not on the docket during the Public Discussion Period at public hearing meetings. The mayor may grant permission to a person, who is unable to participate in public discussion at a public hearing meeting for medical, religious, family emergency or other similarly substantial reasons, to speak at a regular legislative meeting. When such permission is granted, the rules of procedures for public discussion at public hearing meetings shall apply.

Guidelines for the Public Discussion Period

(a) All speaker request forms for the public discussion period must be submitted by the time the item is called by the city clerk.

(b) No speaker will be allowed more than three minutes; except that one officer or other designated member speaking on behalf of each *bona fide* neighborhood civic association or unit owners' association desiring to be heard during the public discussion period shall be allowed five minutes. In order to obtain five minutes, you must identify yourself as a designated speaker, and identify the neighborhood civic association or unit owners' association you represent, at the start of your presentation.

(c) If more speakers are signed up than would be allotted for in 30 minutes, the mayor will organize speaker requests by subject or position, and allocated appropriate times, trying to ensure that speakers on unrelated subjects will also be allowed to speak during the 30 minute public discussion period.

(d) If speakers seeking to address council on the same subject cannot agree on a particular order or method that they would like the speakers to be called on, the speakers shall be called in the chronological order of their request forms' submission.

(e) Any speakers not called during the public discussion period will have the option to speak at the conclusion of the meeting, after all docketed items have been heard.